Q. But you didn't use these words when you reported to the Un-American Activities Committee. How come?

A. Well—I mean, you can say one thing one way—in other words, when I used the word "infiltration" here I am trying to be specific as I can. The Communists go into the unions and hide their identity as Communists and try to get elected in the key positions in the union so as to use [fol. 1661] the union in overthrowing the Government.

Q. I didn't ask you that. Where do you discover——

Mr. Cercone: I want that answer repeated.

The Court: The answer was given. The jury heard it, I heard it, Mr. Nelson heard it, and we will not repeat it. It's on the record and will remain there.

Mr. Nelson:

Q. Well, do you fit your testimony to the pocket of your clients when you testify, Mr. Cvetic, or for a flat fee?

Mr. Cercone: I object.

The Court: The objection is overruled. Answer the question.

A. No, sir. Like you got paid by the Communist Party——

Q. You stop. You don't——

The Court: You do not need to compare it with anything else.

[fol. 1662] Mr. Nelson:

Q. Now since I read this statement to you, do you want me to repeat it?

Mr. Cercone: Your Honor, if is not what the witness wants repeated; it's——

Mr. Nelson:

Q. So that I may refresh your recollection that there are no words——

Mr. Cercone: We object to the repetition.

The Court: The objection is sustained. It needn't be repeated. It has been admitted, he said there was no

word "infiltration" in it and there is no need of pressing a point that is already made, Mr. Nelson.

Mr. Nelson: All right, your Honor.

Mr. Nelson:

Q. Now, Mr. Cvetic, what was your testimony here in reference to killing people off by the thousands?

A. By the millions.

Q. By the millions?

A. That is right.

[fol. 1663] Q. Exactly give us your words?

A. I said the ultimate plans of the Party is to liquidate one-third of the population here in the United States and take over——

Q. Is that what you testified to before the Un-American Activities Committee?

A. The question was not raised in the Committee.

Q. And you said at the previous trial that——

Mr. Cercone: I object to it as being irrelevant unless he shows the question was asked.

Mr. Nelson:

Q. Didn't you say in your direct testimony here that in your conversation with Dolsen, not Steve Nelson, the question came up, as you pretended it did, in relation to Czecho-Slovakia, that there was no discussion about the United States. Isn't that true? Isn't that true?

The Court: Give the witness a chance to answer.

A. Your Honor, if he shouts at me I am going to shout back at him.

Mr. Nelson: These are basic lies, your Honor, and I [fol. 1664] cannot let him go like that.

Mr. Cercone: I object to another speech by the defendant.

The Court: You can ask your question in a normal tone, if you do so, Mr. Nelson.

Mr. Nelson: This is a vicious dagger aimed at me and I must point out that this is a vicious man and he doesn't hesitate to do——

Mr. Cercone: You are putting a vicious dagger in the backs of the American people.

Mr. Nelson: I object to that and I move for a mistrial on the basis of the remarks of the prosecutor.

The Court: If either one of you gives me a chance to rule on it I will be happy to rule on the motion. The motion for mistrial is refused, exception noted.

Please control your tones and ask the questions in a normal tone of voice. Restate the question in a normal way. [fol. 1665] Mr. Nelson.

Mr. Nelson:

Q. Didn't you, at the previous trial, when you testified for the prosecution, when you referred to the matter of killing off the populations by the millions, didn't you say then that the conversation took place with Dolsen and it was in reference to Czecho-Slovakia and there is no record of any remarks, isn't that true, along that line in reference to the population of the United States?

A. I was asked here what was the ultimate aim of the Party insofar as——

Q. That isn't what I am asking you. Answer the question.

A. So far as understanding everything I was told in the Party, I said the aim of the Party was to overthrow the United States Government, first in violence, and to ultimately liquidate about one-third of the population here to make a revolution successful and to set up a dictatorship.

Mr. Nelson: I object to the answer as that is not the question I asked.

The Court:

Q. The question was asked you as to whether or not in the last trial when the question of the liquidation of the [fol. 1666] population you did not limit it to Czecho-Slovakia and Mr. Dolsen?

A. I was asked the question regarding Mr. Dolsen's activities and I told the Court at that trial that in a conversation with Jim Dolsen, we were coming in from Johnstown and Dolsen said, "I'm afraid we are going to have to liqui-

date many more in Czecho-Slovakia before we have control there."

Mr. Nelson:

Q. And the subject of the United States did not come up?

The Court: You can ask the next question.

A. (Continuing) And that Steve Nelson told me——

Mr. Nelson: I demand that he produce the record.

The Court: You produce it, you are asking him.

Mr. Nelson: There is no such thing.

Mr. Cercone: Do you want a photograph of the meeting?

Mr. Nelson: I want him to produce the record. If it is [fol. 1667] produced in the testimony I want it here.

Mr. Cercone: We'll give you a technicolor picture of it.

The Court: Just a minute. We will have no remarks of that nature from the District Attorney.

Mr. Nelson: You will have to have more sense to be a judge than that.

The Court: Gentlemen, gentlemen!

A. (Continuing) Well——

The Court: We will let you finish at an opportune time. Let it be understood, gentlemen, I will not permit counsel any further argument of this nature, between counsel or between counsel and the witness. I have been cooperating fully with both of you, overlooking many things that would [fol. 1668] be infractions in the general trials. I appreciate the emotions that are involved here but I can't permit it to continue and disrupt the orderly conduct of the trial. I thought I made that clear before but I will make it clear again. There is no need for argument between counsel; no need for argument between interrogator and the witness and no need for a witness to volunteer information or in a way try the case because that is the prerogative of the District Attorney. Arguments should be directed to the jury at the proper time as I have expressed it many times. Indulging in them during the course of cross-examination is certainly not proper. We have been working on this case for several weeks and everyone should appreciate it and understand it and we shouldn't have any trouble with

either the defendant, the District Attorney or the witnesses. Now, I asked your cooperation yesterday and many times before. Please see that I get it without any more interruptions of this nature. Read the last question.

[fol. 1669] (Question read).

Mr. Nelson:

Q. Answer it yes or no.

A. Yes.

Q. And there was no testimony at the previous trial which referred to Nelson as having said any such thing, isn't that true, Mr. Witness?

A. No, sir.

Q. So there was no such testimony, isn't that right?

A. Only with regard to China.

Q. So there was no such testimony in regard to the United States, right?

A. No, sir.

Q. All right. Did Mr. Cercone tell you that you got to bring that in here because otherwise your testimony wouldn't carry enough weight?

A. No, sir.

Q. Did Mr. Musmanno tell you that?

A. No, sir.

Q. Who did?

A. This is only——

Q. Who is paying you? Who told you that?

The Court: One question at a time.

[fol. 1670] Mr. Nelson:

Q. Who did, if anybody, told you to testify in that fashion?

A. Nobody.

Q. Will that bring you a commission if you bring those words out, Mr. Cvetic?

Mr. Cercone: That is objected to.

The Court: Objection overruled.

A. No, sir.

Mr. Nelson:

Q. So if you did bring in testimony here that you forgot to bring out, which has to bring out where murder where one-third of the population is going to be murdered here, you state that here but you didn't state that in the previous trial, did you?

A. No, sir.

Q. Good enough. That is probably the only truthful thing you said so far.

The Court: Strike that comment out.

Mr. Nelson:

Q. But the newspapers carried that story, didn't they? [fol. 1671] Isn't that right?

Mr. Cercone: I object to that.

The Court: Objection sustained.

Mr. Nelson: Well, lying statements were made in that statement by the prosecution witness and the newspapers carried it and the people read——

Mr. Cercone: I object to the speech by the defendant.

The Court: Objection sustained. What the newspapers write about these proceedings is not part of the proceedings themselves.

Mr. Nelson:

Q. You testified that a school that you attended, on Wood Street, which you attended, you claim, for three months, and was started by Albertson. Is that the hall that was operated by Dietz?

A. Yes, sir.

Q. And that hall was wired, according to the story that he and you issued or made statements to before the Un- [fol. 1672] American Committee by the FBI?

A. As far as I recall I issued no such statement.

Q. Well, do you know whether that is a fact or not?

A. I don't know whether it's a fact or not, except what I read in the papers.

Q. You read in the paper that Dietz was operating that hall for the FBI and that it was wired for over a period of four or five years, haven't you?

A. Yes, sir.

Q. And you read testimony that, or you heard him speak at meetings with you in which claims were made that there were about four hundred records of various meetings—that is, records of four hundred meetings that took place in that hall; is that right? Or do you remember anything?

A. I don't recall.

Q. Do you remember anything about records?

A. No, sir.

Q. You don't? So you don't know then that the hall was wired and that the FBI, according to Dietz and yourself, at one time, that the records were kept in and in the possession of the FBI?

Mr. Cercone: He has already answered and that is objected to.

The Court: Objection overruled. He said he did not [fol. 1673] know.

Mr. Nelson:

Q. And that was the place where you had this school, that hall on Wood Street was the place where you had the school that you attended?

A. Yes, sir.

Q. Where Albertson, according to your testimony, got up every night and said, "We got to overthrow the Government of the United States." Is that right?

A. Well, it would be said infrequently, "We are working to overthrow the Government of the United States," and we were issued books by Marx and Lenin to study which advocated the overt ow of the Government.

Q. Do you suppose those classes you attended and the discussions in those classes were always taken down on the records or recordings or whatever means they had by the FBI?

Mr. Cercone: That is objected to.

The Court: Objection sustained. The witness said he knows nothing about the recordings. What he supposes, Mr. Nelson, is not relevant here.

[fol. 1674] Mr. Nelson: Well, your Honor, I don't know how to get to the question. I'd like to get the records and

let them speak for themselves. I challenge this witness and I say no such statements were made.

The Court: I know you challenge this witness, that is your defense to the matter, but this witness said he knows nothing about the matter.

Mr. Nelson: But I know he has access to the file and if he wants to prove a shred of evidence in this case, let him bring the records here.

The Court: We do not know whether there are any records. This witness said he knows nothing about the records and beyond that I do not know.

Mr. Nelson: Then I'm the only person that reads the papers around here. Every paper for a week had a story about the stack of stuff like that (indicating) and he was in the background of every——

[fol. 1675] Mr. Cercone: I object.

The Court: Strike all the remarks from the record made by Mr. Nelson in regards to the records. The witness says he knows nothing about the records and what the newspapers wrote I can't vouch for that.

Mr. Nelson:

Q. While a member of the Communist Party and active in the Lawrenceville Branch, did you participate in any recruiting drives to get members for the Communist Party?

A. Yes, sir.

Q. Did you recruit any members?

A. Two or three people who attended Communist meetings at a school in Oakland.

Q. I am asking you, did you recruit any people in the Communist Party? Answer yes or no.

A. Yes, sir.

Q. Do you recall whether or not you used this application card?

Mr. Nelson: I would like to offer this here as an exhibit.

The Court: Have it marked.

[fol. 1676] Mr. Nelson:

Q. I show you now Exhibit R for identification, an application card. Is it or is it not an application card which

was used by the Communist Party at that time to recruit members, when they recruited members?

The Court: In other words, is that the form of the application that was used in recruiting members?

A. Yes, that is the form. I was just reading it to be sure. Yes, this is the form, as far as I recall, that was used for three or four years.

Mr. Nelson: May I be permitted to read the Preamble here?

Mr. Cercone: I object to that, your Honor.

The Court: I wouldn't——

Mr. Nelson: It is only a brief thing. It is the Preamble from the Communist Party Constitution.

[fol. 1677] Mr. Cercone: I would like to ask some questions on the Preamble before it is read so we understand it.

The Court: Well, we haven't permitted, except a few excerpts from books and pamphlets to be read, Mr. Nelson. This is in evidence and it may be submitted to the jury and their attention directed to the Preamble to which the applicants subscribe. If you were to read it at this time I think it goes beyond the privilege granted to the Commonwealth but you can pass it to the jury and let them see it, if you wish.

Mr. Nelson: I want to call attention to a few things.

The Court: All right, you specify what you want to call attention to without reading the whole thing.

Mr. Nelson:

Q. Isn't it true, Mr. Witness, that the Preamble, which is on this application card, is the same Preamble that is in [fol. 1678] the Constitution of the Party, that was put out the same year, 1945?

A. Well, I would have to check it word for word. I'd have to read it word for word.

Q. Did you read this while you had it there?

A. I just glanced at it. Something about "Imperialist Government" and——

Mr. Nelson: Well, if you are going to give it that kind of an interpretation, I would like to read the whole thing, your Honor.

The Court: Read it to the jury.

Mr. Nelson: This is an application card, as the witness has identified it, and on the one section there is the Preamble of the Constitution and is printed in whole and it reads as follows:

"The Communist Party of the United States is a political party of the American working class, basing itself upon the principles of scientific socialism, Marxism-Leninism. It champions the immediate and fundamental interests of the workers, farmers and all [fol. 1679] who labor by hand and brain, against capitalistic exploitation and oppression. As the advanced party of the working class, it stands in the forefront of this struggle.

The Communist Party upholds the achievements of American Democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties. It uncompromisingly fights against imperialism and colonial oppression, against racial, national and religious discrimination, against Jim-Crowism, anti-Semitism and all forms of chauvinism.

The Communist Party struggles for the complete destruction of Fascism and for a durable peace. It seeks to safeguard the welfare of the people and the nation, recognizing that the working class, through its trained unions and by its independent political action, is the most consistent fighter for democracy, national freedom and social progress.

The Communist Party holds as a basic principle that [fol. 1680] there is an identity of interest which serves as a common bond uniting the workers of all lands. It recognizes further that the true national interests of our country and the cause of peace and progress require the solidarity of all freedom-loving peoples and the continued and ever closer cooperation of the United Nations.

The Communist Party recognizes that the final abolition of exploitation and oppression, of economic crises and unemployment, of reaction and war, will be

achieved only by the socialistic reorganization of society—by the common ownership and operation of the national economy under a government of the people led by the working class.

The Communist Party therefore, educates the working class, in the course of its day-to-day struggles, for its historic mission, the establishment of socialism. Socialism, the highest form of democracy, will guarantee the full realization of the right to 'life, liberty and [fol. 1681] the pursuit of happiness,' and will turn the achievements of labor, science and culture to the use and enjoyment of all men and women.

In the struggle for democracy, peace and social progress, the Communist Party carries forward the democratic traditions of Jefferson, Paine, Lincoln and Frederick Douglass, and the great working-class traditions of Sylvis, Debs and Ruthenberg. It fights side by side with all who join in this cause.

For the advancement of these principles, the Communist Party of the United States establishes the basic laws of its organization in its Constitution."

Mr. Nelson:

Q. Do you recognize this pamphlet as being the Constitution of the Communist Party while active in the Communist Party?

A. Yes, sir.

Q. Are you sure? Have you looked at it?

A. Just telling by the title.

Mr. Nelson: With permission of the Court I believe there [fol. 1682] are enough copies and it is a small thing and not heavy and I would ask that the prosecution, since they have all my copies, give copies of this to the jurors.

The Court: A copy will be sent out. We are not going to provide any separate copies of that any more than——

Mr. Nelson: I would like to call attention to a few things so that they may be able to follow.

The Court: You can point them out. They can listen to what you are going to point out. We didn't do it in the Commonwealth's case and I can't permit any variance in your exhibits. You read the excerpts that you want to

emphasize. The same privileges will be extended to you in this connection as were extended to the District Attorney.

Mr. Nelson:

Q. Do you recall right on the last page of the Constitution; Article 14, Page 23, which states the following: "The [fol. 1683] Communist Party is not responsible for any political document, policy, book, article or any other expression of political opinion except such as are issued by authority of this and subsequent national conventions and its regularly constituted leadership." Do you recall that?

A. Yes, sir.

Q. Do you recall Article IV—and that is the only one I wish to call attention to, your Honor.

The Court: All right, Mr. Nelson.

Mr. Nelson:

Q. —At this time dealing with rights and duties of members. Section 1.

The Court: I told you that you could read excerpts. If you want to read Section 1 as an excerpt without asking the witness about it, you may do so.

Mr. Nelson: "Section 1. Every member of the Party who is in good standing has not only the right but the responsibility to participate in the making of its policies and in the election of its leading committees, officers and delegates [fol. 1684] in the manner provided for in this Constitution.

"Section 2. After thorough discussion in any Club, Committee or Convention, decisions are made by a majority vote of those in attendance, and all members are duty-bound to carry out such decisions.

"Section 3. Party members disagreeing with any decision of a Club, Section, County, State or District Committee have the right to appeal such decision to the next higher body until they reach the National Committee and the National Convention. Decisions of the National Convention are final. While the appeal is pending, members shall adhere to the decision of the majority. All appeals must be heard by the respective committee within thirty days.

"Section 4. In pre-convention discussions, members have the unrestricted right and duty to discuss any and all Party policies and practices, the right to criticize the work and composition of all leading committees, the right of full expression in the Party Press or other organs which are pro-
[fol. 1685] vided for such discussions.

"Section 5. In accord with the principles of democratic centralism, and in accord with Articles VII, Section 6, the Communist Party members shall be involved in the formulation of major policies and shall have the right and duty to examine the execution of these policies.

"Communist Party members, in good standing, have the right to vote on the adoption of policies and election of officers, committees and delegates.

Communist Party members, in accordance with the provisions set forth in the Constitution, have the right to be nominated and elected to all offices or committees.

The members of a Club, by majority vote, have the right to recall any of the Club officers or committees.

A Party member shall have the right to prefer charges against any other member of the organization. Any member who has been subjected to disciplinary action has the
[fol. 1686] right to appeal to the next higher body up to the National Convention, including the right to testify and bring witnesses at hearing."

And then just two paragraphs in Article 9, your Honor.

"Section 2, Article IX. Adherence to or participation in the activity of any clique, group or circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of American democracy whereby the majority vote of the American people can maintain the right to determine their destinies in any degree, shall be punished by immediate expulsion."

And Section 3 under Article IX reads:

"The practice of advocacy of any form of racial, national or religious discrimination shall be grounds for expulsion from Party membership."

Mr. Nelson:

Q. Now, Mr. Cvetic, you testified here that the American
[fol. 1687] Communist Party is given orders or governed

by some foreign body. I believe you testified that they received orders from Moscow; is that right?

A. Yes, sir.

Q. When you testified before the Committee on Un-American Activities, do you recall Congressman Walters putting to you the following question: "Did you see any orders received by the Communist Party in the United States as orders from Moscow?" and do you recall giving the following answer: "No"?

A. When you——

Q. Answer the question.

A. I don't recall the question or answer.

Q. You don't recall Congressman Walters asking you: "Did you see any orders?"?

A. I don't recall the question or answer.

Q. You don't recall either?

A. The question or answer. I would have to refresh——

Q. But you have managed to dig or conjure the information in your testimony——

Mr. Cercone: We object.

The Court: Objection sustained. That is not a proper conclusion or inference. He said he doesn't recall being [fol. 1688] asked that or answering that question and that doesn't justify the next question.

Mr. Nelson:

Q. Well, you deny that you ever made such a statement, is that right?

A. I do not deny. I said I don't recall it.

Mr. Nelson: Your Honor, I don't have the particular copy of the Un-American Activities report which contains these pages. I have the two other volumes and I have the reference and I am familiar with it.

Mr. Cercone: Well, ask him now what you want to ask him.

Mr. Nelson: Just a minute. I am talking to the Court.

The Court: You can't confront him with it if you don't have it.

Mr. Nelson: Will you permit me to call him to the stand in the course of this trial when I get it, maybe before noon?

[fol. 1689] The Court: If you can secure it any time before noon or this afternoon, sometime. I can't hold him indefinitely.

Mr. Nelson: I will leave this point until we get a break.

The Court: All right. Proceed with something else. We will grant the jury a recess at eleven o'clock.

Mr. Nelson: Could we break just now? I am going to a different question altogether and I would like to handle it together.

The Court: We were so late starting I would rather have you go on until eleven o'clock.

Mr. Nelson: I thought I would be able to look that up and finish with it. I don't want to forget and leave it up in the air.

[fol. 1690] The Court: Oh, I think you better proceed until eleven, Mr. Nelson. You can resume with that point after the recess.

Mr. Nelson:

Q. I don't believe I asked you a question as to whether you were married or not? Are you married?

A. I am divorced.

Q. When were you married?

Mr. Cercone: This is objected to.

The Court: I think you are going a little beyond—Objection sustained. He said he was married and divorced. Do you want to ask him when he was divorced? I will permit that.

Mr. Nelson:

Q. When were you divorced?

A. About six or seven years ago.

Q. Where did the divorce——

Mr. Nelson: Are you anticipating something?

Mr. Cercone: Never mind me. You do your own work.

[fol. 1691] The Court: He is anticipating what you are going to do, ask him where the divorce was granted.

Mr. Cercone: He can finish the question.

The Court: Is that the question, Where was the divorce granted?

Mr. Nelson: Yes.

Mr. Cercone: We object, your Honor.

The Court: Objection overruled.

A. In the Court of Allegheny County.

Mr. Nelson: Would you mind sitting down?

Mr. Cercone: I am going to stand up.

Mr. Nelson: You don't like what's going to come out?

[fol. 1692] Mr. Cercone: You go on——

The Court: He doesn't want to miss a thing, so go on, Mr. Nelson.

Mr. Nelson:

Q. Were you sued two times by your wife for non-support?

Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson:

Q. It's true you were sued twice, Mr. Witness?

Mr. Cercone: I object.

The Court: Objection sustained. Don't repeat the question when the objection has been sustained, Mr. Nelson.

Mr. Nelson:

Q. Your wife had to raise your two kids.

Mr. Cercone: I object.

[fol. 1693] The Court: Objection sustained.

Mr. Nelson:

Q. And she had to raise them by herself. The great hero!

Mr. Cercone: I object, your Honor—

Mr. Nelson:

Q. And you were making $110 a week and living in the William Penn.

Mr. Cercone: This man likes to make a long speech.

The Court: The jury will disregard everything concerning what the defendant is seeking to interrogate the witness on

that point and making statements concerning his personal life, other than what I have permitted him to ask the witness questions about.

Mr. Nelson: I think this goes to the credibility of the witness.

The Court: I think it doesn't and I have overruled it.

[fol. 1694] Mr. Nelson: And I will take an exception.

The Court: Exception noted.

Mr. Nelson: Well, is your Honor ruling on that?

The Court: You can't go into his personal life.

Mr. Nelson: Shouldn't the jury know what kind of a character this is?

Mr. Cercone: I object.

The Court: Objection sustained.

Mr. Cercone: The only question before the Court is what kind of a character the defendant is.

The Court: The credibility of all witnesses is involved but their personal life has no part on the stand.

Mr. Nelson: I submit, your Honor, that the man's personal life has much to do with his character.

[fol. 1695] Mr. Cercone: I object, your Honor.

The Court: We will overrule you on that point, Mr. Nelson, and you have been properly noted an exception to the Court's ruling. We will not discuss it further.

Mr. Nelson:

Q. Did you or did you not, Mr. Cvetic, undergo a psychiatric treatment for a period of nine years?

Mr. Cercone: That is objected to.

Mr. Nelson: That is important, Your Honor. You shut me off on Musmanno and I don't see how you can do it on this guy.

The Court: If I shut you off on Mr. Musmanno I will shut you off on this witness. Objection sustained unless it is within this period to which he is testifying.

[fol. 1696] Mr. Nelson: He testified at another hearing—he admitted, your Honor, and it's in the record here, it's in this book here and I'll show you the page.

The Court: You can't bring out by this witness the reason for hospitalization for any cause not present at the time he sets forth and testified to, and I think he began to testify

about his activities as a member of the FBI from April of 1941. If you want to bring out that he was hospitalized for any duration and, therefore, wasn't connected with the FBI or the party or anything else that he has testified to, you may do so.

Mr. Nelson: I want to show, your Honor,—

Mr. Cercone: I object to this.

The Court: If it's before that time, before the period in which he testified——

Mr. Nelson: Since 1943.

[fol. 1697] The Court: 1941.

Mr. Nelson:

Q. All right. Did you or did you not receive psychiatric treatment in the year 1941 with Dr. H. L. Mitchell?

A. I have never received psychiatric treatments.

Q. Didn't you testify at the hearing that you were treated by that doctor for a period of four or five years?

The Court: What hearing?

Mr. Nelson: I will find it in a minute, your Honor.

Mr. Cercone: Of course I object to all questions.

The Court: Objection overruled if this is in the period that he testified to, from 1941 to date.

Mr. Nelson:

Q. The question was asked: "Have you at any time been examined or treated by a physician whose specialty was psychiatry?" and there was an objection and so forth and [fol. 1698] your answer on Page 234—you can look it up.

Mr. Cercone: I want to see it.

Mr. Nelson: All right. Read it. It's right here.

Mr. Nelson:

Q. "Yes, I was treated by a psychiatrist back, it seems to me, in the middle '30's. I had a nervous heart condition which has bothered me from time to time and he did treat me for nervousness." Now, is it a fact or is it not that you were treated by a psychiatrist by the name of Dr. Mitchell, Mr. Witness?

A. Yes, for a nervous heart condition.

Q. Nervous heart condition?

A. Which was aggravated by work in the Communist Party, I can tell you that.

Q. When you felt you couldn't support your kids?

A. Well, I heard people——

Q. When you couldn't support your kids.

The Court: Those remarks will be stricken from the record and the jury will be instructed to disregard them and I am instructing both the witness and the defendant to confine themselves——

[fol. 1699] Mr. Cercone: Since he brought in the children of this witness, I would like to explain the whole circumstances.

The Court: The jury is instructed to ignore those remarks nor will there be any explanation and we will have no further discussion about it.

Mr. Nelson:

Q. Weren't you also treated by a psychiatrist by the name of Dr. Malcolm?

A. That is Dr. Mitchell's associate.

Q. For how long?

A. Oh, for an indefinite period—three or four years.

The Court:

Q. Was that between 1941 and the present time or was that prior to 1941?

A. Prior to 1941 I was treated for a heart condition and from time to time I go back for a check-up.

Mr. Nelson:

Q. How long did you go to Dr. Mitchell and Dr. Malcolm? How long did you see them? How long were they treating you?

[fol. 1700] A. They were treating me for about three or four years.

Q. Don't you go to a heart specialist when you have a heart conditon, Mr. Cvetic? Isn't that the normal thing to do?

A. I have had my heart checked by heart specialists.

Q. Didn't they examine your head or something like that instead? Wasn't that a fact?

A. No, I think you are the one that ought to be examined.

Q. You can find the record, you can bring it in. There is the record. You went to two doctors for treatments for neurosis, isn't that true?

A. I said for a nervous condition.

Q. Isn't it true, Mr. Cvetic, that your story about being hired by the FBI——

Mr. Cercone: I object to all this shouting.

The Court: Don't yell at the witness.

Mr. Nelson:

Q. Isn't it true, Mr. Cvetic, about being hired by the FBI in 1941 and asked you to join the Communist Party that actually it was something altogether different, isn't that true?

A. No, sir.

Q. Isn't it true that they hired you—isn't it true that they hired you when they found something on you, that you were a member of the Communist Party before and [fol. 1701] they hired you because they had the goods on you? Isn't that true?

Mr. Cercone: I object.

A. Mr. Nelson, you are one of the top Communist agents in this country. You know I wasn't a member until February of 1943.

Mr. Nelson:

Q. I understand that and you came to the Party months before that.

The Court: You can question him as to whether the FBI engaged him because of some ulterior reason. That is what you want to know?

Mr. Nelson: I want to bring out, your Honor, that this man has something on him——

Mr. Cercone: I object to him making speeches.

Mr. Nelson: And they knew he was a member and gave him the right to sell himself after that.

Mr. Cercone: He has the right to ask questions but not make speeches.

[fol. 1702] The Court: That is the offer he is making by that. We will permit him to pursue along that line with questions, but the jury, of course, will not accept his statements.

Mr. Nelson:

Q. So it's true, Mr. Cvetic, you were a member of the Communist Party first——

Mr. Cercone: I object to the form of the question.

Mr. Nelson:

Q. ——and you were not working for the FBI?

Mr. Cercone: I object to the question. It hasn't established anything.

The Court: He is cross-examining and he can phrase his questions that way.

The Court:

Q. Is that a correct statement that you were a member of the Communist Party before you were a member of the FBI?

A. Absolutely no. As a matter of fact I fought Com-

[fol. 1703] munism before I joined the Party. They were stupid for even recruiting me.

Mr. Nelson: That gives you a little glamor.

The Court: We will take a recess.

Recess.

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After recess.

Mr. Nelson: May we approach your Honor?

(At side bar.)

Mr. Nelson: When you shut me off on this question of this man's relation with his wife, my contention, it goes to his responsible attitude, not living up to it. She sued

him twice and you shut me off on that and I think that legitimately I should be able to bring that out. I don't have to go into detail but I want to show that she sued him after that breach of the Court Order.

[fol. 1704] The other question is, is it a custom for records to be impounded by the Court? All other divorce records, as far as I know, are open and this man's Court proceedings, of him and his wife, are impounded by the Court. Why is that?

The Court: I don't know why unless something is in it that required the Court, on account of his association with the FBI that might have convinced the Court that it was important.

Mr. Nelson: Well, I think that the Court is ready to cover him up as part of that deal.

The Court: I am not inclined to change my ruling on that. Besides, I don't think it goes to his credibility as a witness and that is the reason why I have so ruled and I think——

Mr. Nelson: Did you say you are not inclined to change your ruling?

[fol. 1705] The Court: Yes, sir.

Mr. Nelson: I would appreciate the Court granting me that because I think I am not going to pursue it long. I only want to have two or three answers.

Mr. Cercone: It's not relevant.

Mr. Nelson: It has much to do with this case.

The Court: The way he treats his wife——

Mr. Nelson: You mean that has no bearing on this man's——

The Court: It is not within the rule of evidence, affecting the credibility and I will stand on my ruling and grant you an exception.

Mr. Cercone: Your Honor, he was reading some Article 9 and Article 9 is only one section.

[fol. 1706] The Court: He was reading Article 4 and then he read——

Mr. Cercone: He said it was a short article from 9.

Mr. Nelson: I got it marked and I will show it to you.

Mr. Cercone: Article 9?

The Court: Article 8.

Mr. Nelson: Let me look at it, your Honor, and I will tell you right away. Article 4: "Rights and Duties of Membership".

The Court: Then you read something concerning not the Constitution but the rules applying to "any clique undermining the present government shall be"——

Mr. Nelson: That is right. Wait a minute——

The Court: You said it was 9.

[fol. 1707] Mr. Nelson: You have a different copy of the Constitution. This is a different copy—this is '48 and this was '45.

Mr. Cercone: In the last one?

Mr. Nelson: I asked about the '45 Constitution.

The Court: In other words, Article 9 was from the '45 Constitution. You can explain that to the jury that that is from the Constitution of 1945 and this is from what?

Mr. Cercone: 1948.

The Court: If you want the correction explained on that subject, you explain it to the jury, you are privileged to do that.

(End of side bar.)

Mr. Nelson:

Q. Mr. Witness, were you ever arrested for beating up your sister-in-law and breaking her wrist?

[fol. 1708] Mr. Cercone: That is objected to.

The Court: Objection sustained.

Mr. Nelson: Well, your Honor, he answered that in another hearing.

The Court: The only criminal records that may be offered to confront a witness, affecting his credibility, are convictions of felonies and misdemeanors, and crimi and falsey involving crimes of fraudulent intent. So, therefore, I will not permit any questions to be asked pertaining to an arrest unless they were followed up by a criminal record showing conviction of an offense and the offense should be, as I outlined, a felony.

Mr. Nelson: Well, the Court convicted him and he had to pay a fine of $350 for hospitalization.

Mr. Cercone: Your Honor, I object. He is making a speech.

[fol. 1709] The Court: Objection sustained.

Mr. Nelson:

Q. Didn't you say in answer to the question which you were asked in another hearing, "Were you ever arrested for beating up your sister-in-law?"——

Mr. Cercone: I object.

The Court: Sustained.

Mr. Nelson:

Q. —and you said, "Yes."

The Court: All right, Mr. Nelson, you got the point across so I will have to instruct the jury to disregard anything concerning this matter.

Mr. Nelson:

Q. Do you recognize this as the official paper of the Court which had you pay $350 for hospitalization?

Mr. Cercone: I object.

The Court: Objection sustained. You persist in ignor-[fol. 1710] ing my ruling on these things, Mr. Nelson. You understand them but nevertheless you persist in asking further questions.

Mr. Nelson: It has to do with the man's credibility.

Mr. Cercone: And he understands the rulings of the Court.

The Court: It is a deliberate violation.

Mr. Nelson: I am not a lawyer and I am trying to do the best I can in cross-examining a witness who is getting protection from all sides. How are you going to expose this rat unless you say it's a record of the Court in this City?

Mr. Cercone: I object to the remarks.

The Court: Come up to side bar.

(Side bar.)

[fol. 1711] Mr. Cercone: You see, your Honor, this defendant is deliberately violating the Court's rulings and shouting his points over.

Mr. Nelson: You are trying to hang me, that's all you're trying to do, and you know if's so you can advance yourself.

Mr. Cercone: You're crazy.

The Court: This record is not sufficient to sustain the point that I have made. It's not a conviction of a felony or a conviction of a crime committed, a misdemeanor or crimen falsi, so I will rule it out. You offer the record of No. 466 May Sessions, 1939 in this Court and the County paid the costs.

Mr. Nelson: No, the defendant paid the costs, as I read the thing.

The Court: It says, "Motion of District Attorney and noll pros allowed; County pay costs; the defendant shall make restitution in the sum of $340 payable at the rate of [fol. 1712] $20 per month through the Probation Office. Above Order made by reason that the defendant and the prosecutrix have agreed to settlement."

Mr. Nelson: Right.

The Court: Now, the basis of this Order, this indictment, I don't think it is proper evidence to submit to a jury and I will rule it out and direct you not to interrogate further about it and grant you an exception to my ruling.

Mr. Nelson: Well, your Honor, there are two subsequent arrests that occurred in——

The Court: Do you have any records showing a conviction of a felony or crimen falsi? If I will be glad to renew them with you, Mr. Nelson, if you have them, but unless you do, I can't permit you to open the subject with the witness again.

Mr. Nelson: Well, I don't agree with your ruling.

[fol. 1713] The Court: I understand that too.

Mr. Nelson: In my opinion that closes the door on a very important matter that the jury should know. They should know what kind of a man he is.

The Court: We are governed by the laws of evidence and that is one of the laws of evidence which I must respect

in this matter and I am enforcing it and granting you an exception to my ruling.

(End of side bar.)

Mr. Nelson:

Q. Is it true or is it not true, Mr. Cvetic, that you had dinner at a restaurant right across the street from the William Penn Hotel, known as Naple's Restaurant, with a girl friend not long ago——

Mr. Cercone: That is objected to as it covers the same——

[fol. 1714] Q. And you pulled a gun on her and witnesses had to stop you. Isn't that true?

The Court: Objection sustained. We will strike that from the record as having no bearing on this case, whether it is true or not.

Mr. Nelson: I don't know how I can expose this individual with all the protection he is getting.

The Court: He is only being protected by the rules of evidence that we will observe so far as he or anyone else is concerned, Mr. Nelson, and if he was convicted of any crime you have a perfect right to show the conviction record if it's a felony or any misdemeanor or crimen falsi and unless you can you will be precluded from interrogating the witness on any of those points not involved in this case. I will grant you an exception to my ruling.

Mr. Nelson: Well, your Honor, you closed the door on a very important piece of examination.

[fol. 1715] The Court: We appreciate that and we will not discuss it any further. We ruled on it and granted you an exception, Mr. Nelson.

Mr. Nelson: Well, will the Court then grant me a right to locate the statement, within a reasonable time—I couldn't locate it during the intermission. I don't have the copy of the Committee Report here, I have two, the third one I couldn't get.

The Court: You mean you haven't anything else to interrogate the witness about?

Mr. Nelson: One or two questions. Other than that, unless I can bring in and examine him on that, at the present time I have no other things.

The Court: All right, we will recess until one o'clock. I will give you to one o'clock to find that additional record which you want to confront the witness with.

[fol. 1715-a] Mr. Nelson: All right.

The Court: We will recess until one o'clock.

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[fol. 1716] Thursday, January 10, 1952, 1:05 p.m.

Cross-examination.

Mr. Nelson:

Q. In reference to that meeting on the North Side which you stated was a secret meeting and upon questioning you insisted it was a secret meeting—do you still insist it was a secret meeting?

A. Yes, sir.

Q. Do you mean by that that the authorities could have known or that the Communists were trying to hide the fact there was a meeting in that place. Is that correct?

A. No. I said the members who were invited to that particular meeting were only Communist Party members.

Q. Is it your testimony then that the Authority did know about the hall being rented by the Communist Party in the Carnegie Library on the North Side?

A. I don't know what the authorities knew about it.

Q. Well, would your testimony be that they didn't know—or your answer is no. Is that correct?

A. No. I said I didn't know what the authorities knew.

Q. If the authorities knew about the meeting would you still consider that a secret meeting?

Mr. Cercone: That is objected to.

The Court: The objection is overruled.

[fol. 1717] A. Yes, because the meeting was closed to anyone but members of the Communist Party.

Q. Well, then, it was like any other meeting where

members of a particular organization, who, when they have a meeting, allow their own members to attend and keep the outsiders out?

A. That is right, except the matter of business was different.

Q. So it wasn't an underground meeting which you are trying to infer?

A. It was. I am not inferring.

Q. But the authorities knew about the meeting?

A. I said I didn't know what the authorities knew.

Q. Then, Mr. Witness, do you recall testifying before the Un-American Committee on the same question Congressman Kearney asked: "Q. Was that meeting open to the public? A. No. It was a closed meeting." You didn't call it a secret meeting?

A. Closed and secret meeting is the same thing.

Q. It doesn't mean the same thing. Did the Congressman know it was a secret meeting? And Mr. Cvetic answers: "I would say yes because old questions were raised at various times with Mr. Seibel; in charge of the library, raised by patriotic Americans, that he said as long as he was there if they wanted to use it for meetings they could do so—did you give that answer to the Un-American Committee?

A. Yes, and may I give an answer to it.

Q. That contradicts you?

A. No. I gave that answer to that particular question. [fol. 1718] A. Yes.

The Court: It is for the jury to determine. It is a matter for the jury whether there is any variance and a subject for argument by you at the time you will be delivering your closing address to the jury.

Mr. Nelson: (To Judge Montgomery)

Q. Did I give you the page?

A. I don't believe so.

Q. 1241 and 1242, hearings before the Un-American Committee of the United States on Tuesday, February 21st, 1950.

Mr. Nelson:

Q. And that was soon after you left the Communist Party, isn't that right, when you testified before that Committee?

A. Yes, sir.

Q. When your mind was a little more fresh when you could have related this matter a little more accurate. Is that right?

A. Well, on the grounds relating to Party security, steps which the Party took.

Q. I didn't ask you that. You remember things better after the events or today's answers?

A. I presume anybody would remember a better—better a day or two afterwards.

Q. Now then, concerning the question of liquidating [fol. 1719] one-third of the population of the United States. Did you ever testify to that before the Un-American Committee?

A. No, sir.

Q. But you testified in this courtroom, didn't you?

A. Yes, sir.

Q. What did you testify to before the Un-American Committee regarding the liquidation of the population. Do you recall?

Mr. Cercone: That is objected to. It is the same series of questions.

The Court: The objection is overruled. Answer the question.

A. I do not recall what was discussed in the meeting.

Mr. Nelson:

Q. May I refresh your recollection, on page 1256 of the same report on another question, before a meeting which was held at the Ukranian Center, North Side, when the Communist Victory in China was becoming apparent, early last year. Steve Nelson said to me: "We are going to have the biggest liquidation of peoples, enemies in China since 1917."

Mr. Cercone: Read it right! Be honest about it. Since the Revolution of 1917.

The Court: Read the question.

[fol. 1720] Mr. Nelson:

Q. Do you recall making that answer before the Un-American Committee?

A. Yes, sir.

Q. And you didn't say anything about the United States with reference to the population being liquidated?

A. No, sir.

Q. You invented that since then?

A. No, sir.

Q. You are getting paid for that part of your testimony aren't you?

Mr. Cercone: I object to him shouting at the witness.

The Court: The objection is sustained.

Mr. Nelson:

Q. You see if you didn't testify so many times you would remember your testimony better.

The Court: The remark is stricken from the record.

Q. Now in this courtroom, before this jury, you testified that the Communist Party of the United States was receiving orders from Moscow. Do you recall being asked a question by the Un-American Committee on page 1216, Congressman Kearney: "Where are your orders taken from? A. Orders in this Country have come down from the Na-[fol. 1721] tional Board of the Communist Party of the United States." Q. "Where did they take their orders from? A. As I mentioned before I never attended meetings of the National Board of the Communist Party of the United States, but classes which were organized with the authority of the National Communist Party and these classes were based on the Marxist-Leninism. We were working for the National Communists." Do you remember that answer?

A. Yes, sir.

Q. And that isn't what you said in this courtroom?

A. No, sir. I testified here, and testified I attended the meetings with agents of the Communist Inter-National.

Q. Do you remember a question and answer given at that time?

A. What is the matter? You remember things better later than at the time of the argument.

Mr. Cercone: That is objected to.

The Court: The objection is sustained.

Mr. Nelson:

Q. Do you remember page 1207 of the same report, of being asked a question by Congressman McSweeney: "Where do they get their policy, Mr. Cvetic? A. I don't think I can answer that."

Q. But you answered it here, didn't you?

A. He wasn't referring to any specific policy.

Q. Did you answer it here?

A. No, sir.

[fol. 1722] Q. Two years later you remember things a little bit better?

A. Mr. Nelson, if you will read there were—

Q. I asked if you answered as recorded in the Congressional Record meeting, as read to you?

A. Yes, the excerpt you read is substantially correct.

Q. But you couldn't answer it two years ago but you could answer it today?

A. Yes, I answered it.

Q. Did you answer that question is what we want to know?

A. Yes, sir.

Q. And you gave an answer that you weren't able to give that answer truthfully at that time, didn't you?

A. We were talking of a certain policy and I couldn't remember the meeting. I put you in meetings with the Soviet agents.

Q. This witness is trying to crawl out of a hole and he knows he is in a hole.

The Court: You asked it and he explained it and said he did say it. We can't limit him entirely.

Mr. Nelson: Doesn't the record speak itself and the questions as put to him.

The Court: He answered that he made the statement.

Mr. Nelson: Which means the statement here is in conflict with the testimony.

[fol. 1723] The Court: It isn't for me to draw a conclusion. It is for you to argue before the jury.

Mr. Nelson:

Q. The other one I read from page 1216 was very specifically put: "Where do they get their orders from? And then the answer you gave: Orders in this Country come down from the National Policy Party of the Communist Party of America.

Mr. Cercone: Read the whole answer. It is part of the answer.

Mr. Nelson: When you cross examine him you can do that. He knows how to jump through the rope for you.

Mr. Nelson: That is all, your Honor.

The Court: That is all the cross examination at this time?

Mr. Nelson: Oh, perhaps the motion I had in mind of making should be made after the whole thing is completed.

The Court: Have you completed?

Mr. Nelson: Yes.

The Court: Anymore redirect?

[fol. 1724] Mr. Cercone: Yes. I want to know if he has anymore cross examination right now.

The Court: He is resting and can resume if anything is brought out on redirect. You may do that.

Mr. Cercone: I would like to have defendant's Exhibits G & P, introduced here yesterday. One is a pamphlet by Eugene Dennis.

Mr. Cercone:

Q. Now, Mr. Cvetic, there is one thing we would like to get cleared up for the record, that is, in all these cases you testified, you testified in other cases—were you subpoenaed in all of those cases?

A. Yes, sir.

Q. And you testified there concerning the work in the Communist Party?

A. Yes, sir.

Q. Now the defendant yesterday showed you an exhibit entitled Exhibit G, and it includes on that that it was pub-

lished by the Civil Rights Congress. What is the Civil Rights Congress?

A. The Civil Rights Congress is a legal and propaganda arm of the Communist Party.

Mr. Nelson: That is objected to, your Honor. It is an [fol. 1725] interpretation. I think he ought to give the function of the organization if he knows.

The Court: If you had any contract, give it so as to justify your statement.

Mr. Cercone:

Q. What is it?

A. A legal and propaganda arm of the Communist Party.

Q. How do you know that?

A. I attended meetings of the Communist Party where activities of the Party were drawn and planned.

Q. Do you know anything about the origin of that Party in Pittsburgh?

A. Yes, it was set up on the instruction of—the National Organization was set up on the instructions of the District man, Roy Hudson, and the first meeting was held at Hymie Schlessinger's office where the committee was set up.

Mr. Nelson: That's objected to, your Honor. It is too elaborate and doesn't answer the question. It is another way of saying something he didn't have a right to.

The Court overruled. Exception noted.

[fol. 1726] Mr. Cercone:

Q. In looking over the exhibit, as a member of the Party and during the time of the indictment of 1948 to 1950, what was the understanding of the members in the Party as to those exhibits?

The Court: What was the purpose of this?

Mr. Cercone:

Q. Yes. What was the purpose of this, of disseminating these pamphlets marked Exhibits G and P?

A. Well, the first pamphlet put out by the Civil Rights Congress was put out to try to pick out certain cases which

were given readily to propaganda purposes and tried to use them as a base to carry the Party Program to the Negro people. In other words, the part of the program dealing with the ultimate overthrow of the Government weren't contained in the pamphlets but these were used.

Q. The defendant here read from the Constitution of the Communist Party—do you have that copy?

The Court: What about the second one?

Mr. Cercone:

Q. What about Exhibit G?

A. This was brought out by the Party generally as propaganda material.

Q. Now then, in looking at the copy of the Constitution as referred to you by the defendant, I see that this Constitution was issued in 1945.

[fol. 1727] The Court: That is Exhibit S?

Mr. Cercone: S, your Honor.

Mr. Cercone:

Q. Were there other Constitutions of the Party through the year?

A. Yes, sir.

Q. How many?

A. That would vary and change with the changing Party lines of the Convention.

Q. And reference to the Preamble?

The Court:

Q. Who adopted the Constitution?

A. By the National Convention of the Party.

Mr. Cercone:

Q. Then we go to the preamble of the Constitution. What was the interpretation given to the members as you understood it during the period from 1948-1950?

Mr. Nelson: That is objected to, and let it speak for itself. Even if he has a different edition which he seems to have.

The Court: Be consistent on all matters. We permitted the witness to give an opinion as to the interpretation placed [fol. 1728] on these matters by Party officers and Party members according to the opinion of the witness and we will permit the same at the present time in connection as to the branch or as to the preamble of the Constitution, so you may give the interpretation placed on this preamble by members and officers of the Communist Party while you were associated with it.

A. You are referring to the Convention; of what Convention?

Mr. Cercone:

Q. 1945.

The Court: Very well, proceed.

A. The Communist Party Constitution is put out with the changing Party line.

Q. I am speaking of the preamble?

A. May I glance at the preamble?

The preamble states that the Party bases itself on the study of Marxism and Leninism and of course the other things they do leave out that Leninism and Marxism, and that is what we are learning, to overthrow capitalists by violence.

Mr. Cercone:

Q. The Communist Party upholds the achievement of the American Democracy and defends the United States Constitution and its Bill of Rights. Did they do that?

[fol. 1729] A. No, sir. On the contrary——

Mr. Nelson: That is objected to, your Honor.

The Court: Overrule the objection.

A. On the contrary we are working to set up a dictatorship in this country and work toward actually taking away the Constitution and the Bill of Rights as we know it.

Q. What was the purpose of putting this plan in the preamble?

A. Its purpose was misleading.

Mr. Nelson: That was over my objection.

A. To mislead the people and give the Party a liquidated fund.

Mr. Nelson: He is being paid and is not an expert.

The Court: He is qualified to give the teachings of the Party and to interpret the literature of the Party. He has qualified himself previously on that basis and he has interpreted the Party, the rights of the Party and we will permit him to give his interpretations and what was meant by the Party itself.

Mr. Cercone: Continue.

[fol. 1730] Q. What was the purpose of the language in the preamble?

A. The purpose was to mislead the American people into making them believe that the Party had liquidated aims.

Q. Now in the question of this defendant about the Constitution, pointing out generally where a member of the Party had a right, they had a right to expel or had a right to talk—how much influence would a member have against a leader of the Party?

A. I can give you one example in the Party in 1945, about the Marxism and Leninism and I got up at a meeting and said, and I says: "I don't see why we can't get along with the Progressive section of the Capitalism," and Joe Godfrey says: "What the hell do you mean by Progressive Capitalism?" And he gave me books to study, to see the errors of my way.

Q. The defendant attempted to bring out in your testimony before the House Un-American Committee, to see whether or not you knew of any orders that came from Moscow?

A. Yes.

Q. How do you know?

A. I attended meetings with agents of the Eastern European Countries and so testified before the meetings.

Q. And in connection with this meeting did this defendant say he attended school in Moscow?

A. Yes.

Mr. Nelson: That's objected to.

The Court: The objection is sustained.

[fol. 1731] Mr. Cercone:

Q. Did he tell you of his relationship in the International Party and in what respect?

A. He told me he attended the Lenin Institute in Moscow.

Mr. Nelson: You know that is a lie.

The Court: Strike your comment and I instruct the jury to disregard it.

Q. Now there was one thing in the preamble that had to do with the upholding of religion. What was the attitude of the Communist Party toward religion?

Mr. Nelson: That is objected to.

The Court: The objection is overruled. What was the interpretation?

A. The first thing taught in the Party was religion was the opiate of the people.

Mr. Nelson: I want to make an argument on that at side bar.

(Side bar.)

Mr. Nelson: Was the purpose, your Honor, to have students here today, religious students, brought here and was this question put directly for that purpose?

[fol. 1732] Mr. Cercone: You brought the preamble in.

The Court: I will settle the argument.

Mr. Nelson: Leave me make my point. I am not charged with anything relative to religion so far as I know and it is not in the indictment. That was not included in the indictment and is not charged against me. I say these things are being raised and the Court is permitting it only to incite the jury to deliver a verdict against me. That is the only purpose of this question, because in the preamble I read, I showed them the Party's position. It was stated people have a right to their religion used and they are being protected by the Party and this man is going to strive to distort on the basis of his prejudicial views, and he has none to, and he is being paid for it and your Honor is allowing this stuff to continue on his part and it is going to be a very serious thing in my mind and should not be allowed.

The Court: Unfortunately you ask for the privilege of reading the preamble and informed the jury of this breakdown of religion and wished the jury to take the preamble as literally as written. You opened the subject and I don't want to prejudice you in any way by elaborating. Certainly [fol. 1733] you are not indicted for Atheism. Probably it would be best not to go into it any further. I am not going to strike out anything. I will say not to discuss it any further with the jury.

In answer to your question about the school pupils present here, Mr. Cercone does not know anything about them but I do. I live in McCandless Township, and a matter of a month or six weeks ago one of the school teachers asked me if the class might come to witness the proceedings in Court and I told them they could at anytime. And they, after the teacher called the secretary to see if they could come into the Court, and they are here at my invitation. They are from the Espy School, McCandless Township, in which Township I live.

Mr. Cercone:

Q. Now, Mr. Cvetic, while you worked for the FBI in the Communist Party from 1943 to 1950, did you know or have any idea that later on movies or articles would be written?

A. No, sir.

Q. It has been brought out that you attended some lectures and you were paid?

A. Yes, sir.

[fol. 1734] Q. Did you attend any where you were not paid?

A. Yes, very much.

Q. How many?

A. I would say I was paid about 20 per cent of the time.

Q. 80 per cent of the time was at your own expense and time and sacrifice?

A. The majority of time.

Q. They made a great deal of the amount of money you made in the movies?

A. Yes.

Q. How much did they make out of the movie?
A. Frankly, I don't recall.

Mr. Nelson: When I asked that question along those lines it wasn't permitted.

The Court: Had you undertaken it on cross examination I would have prevented it. Now the D.A., the District Attorney asked it and opened it up, and you may be permitted to cross examine on it. Answer the question.

A. I don't recall.

Mr. Cercone:

Q. You don't recall?
A. No.

[fol. 1735] Mr. Cercone: That is all, your Honor.

The Court: Cross examine.

Cross-examination:

Mr. Nelson:

Q. You were asked to give an opinion here by the prosecutor on theoretical and political understanding of the Party's position on various questions and you obliged him by answering so: "Did you or did you not have a hearing known as the Nuss hearing when you were asked the question what do you know about the Party theory," and you said, "I know nothing about it, it is all a jumbled thing to me." Didn't you answer that?

A. I don't recall that particular answer. I know what I read in books.

Q. Since then you have become an expert?

A. I am not an expert.

Q. If you are not an expert how can you give an opinion on the social activities?

A. I said I simply said what was in the books, given to me by the Party after reading it and if you want it I will give it. I will read it to you.

Q. Now you stated in answer to the question that you got paid for about 20 per cent of the time you spoke at various lectures and meetings. How much did that bring in altogether, how much money?

A. I don't recall.

[fol. 1736] Q. Well, do you recall testifying that when you made your Fourth of July speech at Weirton, West Virginia, on behalf of the Weirton Steel Company, you got paid $200. Is that an average fee you got?

Mr. Cercone: This is objected to.

The Court: Objection sustained. The witness didn't testify he appeared at the request of the Weirton Steel Company. He testified he appeared at the request of the City of Wheeling. If you want to rephrase the question you may do so.

Mr. Nelson: I am asking if they gave you a check.

The Court: Don't include it in your question. Rephrase your question, eliminating what he told us and I will permit his answer.

Mr. Nelson:

Q. How much money did you make in the course of your lectures altogether?

A. I don't recall. I know I am broke.

Mr. Nelson: Shall we make a collection to take care of you?

Mr. Cercone: That's objected to.

[fol. 1737] The Court: The objection is sustained.

Mr. Nelson: I will pass a hat for you.

The Court:

Q. Can you give us an approximation concerning the matter?

A. Your Honor, it would be impossible because I didn't keep track of the expenses.

Mr. Nelson:

Q. How much in the year 1950? You had to pay income taxes and you should know that?

Mr. Cercone: That is objected to.

The Court: Your objection is overruled.

The Court:

Q. From this source—the lectures or dissemination of the information that he learned about while a member of the Party is what we are talking about here?

A. I don't recall.

The Court: I am not permitting to inquire as to other portions of his income.

Mr. Nelson: He is making money at my expense.

The Court: I am not going to allow you sell them to his personal life.

Mr. Nelson: He is getting paid for this.

[fol. 1738] The Court: You may ask about this matter.

Mr. Nelson:

Q. How much did you make out of your Saturday Evening Post article?

A. 40 per cent of $6,500.

Q. Did you testify at another hearing that you were paid $12,500 for those?

A. No. You got that mixed up with the Warner Brothers.

Q. All right. I will stand corrected this time. Now we know how much you got for the Warner Brothers picture, $12,500?

A. Yes.

Q. And $6,500 for your articles in the Saturday Evening Post. Is that true?

A. That is right.

Mr. Cercone: He said 40 per cent of that.

Mr. Nelson: We are coming to that. Take it easy.

Mr. Nelson:

Q. You have split that amount of $12,500 and $6,500?

A. Yes.

Q. Who did you split it with?

A. I had contact with Harry Sherman and Jim Moore.

Q. How much did Harry Sherman get out of that?

A. 30 per cent.

[fol. 1739] Q. How much did Mr. Moore get?

A. 30 per cent.

Q. And I can't ask him the total amount he made?

The Court: The total amount he made from the use of this material?

Mr. Nelson: That is his only income. He goes around fingering people.

The Court: He is under oath and he may give statements and the jury may consider them, otherwise no.

Mr. Nelson: In this situation, your Honor, I can't proceed with this point any further. And there is no further cross examination.

The Court: You are excused, Mr. Cvetic.

Mr. Cercone: That is the Commonwealth's case, your Honor, and I would like to ask with the privilege for calling maybe one additional witness, whom we had notified months ago, that is Mr. Lewis Budenz, of University of Fordham.

The Court: He is not here at the present time?

Mr. Cercone: No. Are you going to recess for the defendant to open up the case here. Is he going to open up now?

[fol. 1740] The Court: The defendant has requested today to open his case and they will undoubtedly be tomorrow in which case we will not resume until Monday morning.

I don't think the privilege can be extended to you until Monday morning to produce more witnesses for the Commonwealth. You can have that witness here anytime this afternoon. I suppose it is a theoretical witness?

Mr. Cercone: We can bring him on rebuttal.

Mr. Nelson: What are the rights on rebuttal?

The Court: You may not go into anything on rebuttal that should have been gone into. He has a right to answer anything drawn up in the way of defense by a rebuttal witness. In other words, you can't still try the case over again on rebuttal. The only thing is an answer to matters you may raise any defense.

Mr. Nelson: Is that the function of the prosecutor?

The Court: Yes, he has that privilege. He may call a rebuttal witness to answer anything you bring up.

[fol. 1741] Mr. Nelson: I don't know the answer.

STATE RESTS

Mr. Cercone: In that event I will rest and I would like to make a check on the exhibits.

The Court: And so far as the exhibits are concerned you better supply me with the list of exhibits and their recital and the indictment. One or two in the indictment you don't have and I think you better notify me as to which they are and give me specific reference to excerpts included in the indictment. In other words, in each excerpt give me a reference to the excerpt and where they may be found.

Mr. Nelson: Your, Honor, I would just like to make one motion relative to this witness and I would like to be given the privilege—I think some other motions are in order.

The Court: Generally, they demur to the evidence.

Mr. Nelson: I would ask, therefore, that since you indicate the Court is going to start Monday that it is going to help me. I can hardly stand on my feet.

[fol. 1742] The Court: It will give you a day or two to prepare.

Mr. Nelson: I would like to make a number of things, the motions later than now relative to Mr. Cvetic.

The Court: Put your motion in now.

Mr. Nelson: It has to do with the indictment. I have looked over the other records, that is the same when the Commonwealth first rested.

The Court: Your motion for Cvetic should be made now.

### Motion to Strike Testimony and Denial Thereof

Mr. Nelson: I move to strike out Cvetic's testimony because he is a paid agent of the Government and in this instance the Government has sent him in here and he is interfering with my Constitutional rights. That is one thought, your Honor, on which I wish to make a motion. I will give you all of these. And I move the—and I move to strike out all the testimony prior to this and you can rule on the first.

The Court: Overrule the motion. There is an exception noted on that.

[fol. 1743] Mr. Nelson: I move to strike out all the testimony which deals with two years prior to the indictment.

The Court: That is refused but in my instructions to the jury I will advise the jury that anything prior thereto is only to show these things were made by you within two years prior to that period of time. My ruling on that was this: I refused to strike the testimony but the effect of the

testimony considering matters prior to 1948, within two years of the date of the indictment will be limited to the purposes of showing the intent of the defendant and the interpretation placed on them by the writings themselves. In other words, in the printed writings and the intent of the defendant.

Mr. Nelson: I move to strike out the exhibits on the same ground, that is to, prior or thereafter.

The Court: The motion is refused. Exception noted.

Mr. Nelson: I move to strike out the exhibits that have no connections with me.

[fol. 1744] The Court: I think we have ruled on those—there is some connection shown on the exhibit or exhibits of books under your control.

Mr. Nelson: It doesn't show a commission of a crime.

The Court: Of course, it is with a limited purpose of showing the light on you during the two year period of time and I overrule your objection. And so far as the demur is concerned you wish to enter a demurer to the evidence as to sustain anytime for the demurer?

Mr. Nelson: That is right.

The Court: We will entertain your demurer and hear the arguments at 9:30 Monday morning. I will tell the jury not to report until ten o'clock so we will have a half hour to discuss it before the jury is brought in.

Mr. Nelson: I want to ask another question. Do I have the right to cross examine further any of the prosecution witnesses if I saw fit and necessary to dispose of testimony which I might get between now and Monday morning?

The Court: That would be a matter exclusively within [fol. 1745] my discretion and there would have to be a very important reason before I would permit it, something that was really prejudicial and in order for justice to be done.

The Court: Is that all the testimony from the Commonwealth?

Mr. Cercone: Yes.

The Court: Members of the jury, the case of the Commonwealth is now complete insofar as direct testimony in support of the indictment is concerned. It will be necessary to engage in argument and before we proceed with the defense's testimony we have, therefore, arranged that

this matter be adjourned not until tomorrow morning but until Monday morning and you are therefore instructed to return here not at 9:30 Monday morning but ten o'clock Monday morning for the continuance of the matter. So over the week-end you are free and relieved of your responsibility in connection with the matter. Return at 10 o'clock promptly, please, on Monday morning.

(Recess this case until Monday morning at 9:30.)

(Case recessed.)

[fol. 1746] Monday, January 14, 1951.

Morning Session

The Court: All right, Mr. Nelson, do you want to enter and demur to the evidence, I suppose? Do you have something to say in connection with it?

Mr. Nelson: I have, yes, sir. I have a number of motions which I would like to make and present to you.

The Court: All right.

Motion to Strike Testimony and Exhibit and Denial Thereof

Mr. Nelson: I move to strike out all testimony prior to two-year period of indictment.

The Court: All right. I think I have ruled on that but I will rule again. Motion refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits in evidence dated or in circulation or in use or possessed two years prior to the indictment.

[fol. 1747] The Court: The motion is refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits because they were illegally seized.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits and testimony because no connection has been shown with me and these exhibits and testimony do not prove that I have committed a crime.

The Court: Well, that is practically a demur to the evidence and the demur will be overruled; exception noted.

MOTION TO QUASH INDICTMENT AND DENIAL THEREOF

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the law on which the indictment is based is unconstitutional and it violates and deprives me of my rights under the State and Federal Constitutions.

[fol. 1748] The Court: Well, the constitutionality of the Act has been passed on by the Supreme Court and that motion is, therefore, refused and exception noted.

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the indictment does not state a crime against me.

The Court: Well, motion is refused, exception noted.

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the Commonwealth has not proved a case against me.

The Court: Well, of course, it depends somewhat on the oral testimony, about the credibility of the witnesses and acceptance of their testimony is for the jury. That is likewise refused and exception noted.

[fol. 1749] Mr. Nelson: Now, your Honor, I would like to make specific motions concerning—dealing with the indictment.

The Court: Wait until I get the indictment.

Mr. Nelson: I will just read it point by point. I believe that is what was done in the previous trial and while I don't have record of it nor transcript, I know that scores of those were stricken. I can't tell you exactly which but on the basis of the merit of what was brought up here, I move that the first charge on the indictment be dismissed because it does not state a crime against me; it's unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Well, the first indictment charges you with "encourage divers persons, and other persons to take certain measures and engage in certain conduct with a view of overthrowing and destroying by force and by a show and threat of force, the Government of this State and of the United States of America."

[fol. 1750] Mr. Nelson: I submit that that is not proven in this case by the prosecution's testimony. All they proved

is that I had books, read books and sold them from my headquarters of the Communist Party and they have not proven one iota of any type of overt act.

The Court: If it weren't for the testimony of Cvetic that would probably be true.

Mr. Nelson: Your Honor, he is a paid agent and he testified for money and you cannot—you can't tell me a decent man can believe what he said on the stand.

The Court: It is not a question of belief but a question of if there is evidence which I will have to submit and I will have to submit it. The motion to quash is refused, as well as on the other reasons, on constitutionality and alleging the evidence does not support it.

[fol. 1751] Mr. Nelson: What do you call it? You referred to it as the "first indictment"?

The Court: The first count of the indictment.

Mr. Nelson: I wasn't sure of that. Well, my exception is noted?

The Court: Your exception is noted.

Mr. Nelson: I move that the second charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional, and the Commonwealth has not proved a case against me.

The Court: Well, the same thing applies there. I think if the testimony of Cvetic is believed, that that falls in the same category as the first. The motion is refused. Exception noted.

Mr. Nelson: You're ruling that on the basis of Cvetic's testimony?

[fol. 1752] The Court: The only testimony I recall applying to your actions in this respect is Cvetic's testimony.

Mr. Cercone: There is more than that, your Honor. The newspapers, the "Everlasting Peace" which was read to the jury.

Mr. Nelson: Did I print it?

The Court: These first two apply to his direct actions and the only direct action that I can recall was testified to by Cvetic. Everything else is as set forth in the third count, that he did these things by the use of materials. In other words, as I think, as stated, these indictments, the third count covers the use of materials to accomplish these

things and the first two counts charge him with taking action and saying words and so forth within the two-year period and the only testimony on that is, as I recall, is Cvetic's testimony. All right, Mr. Nelson.

[fol. 1753] Mr. Nelson: I move that the third charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth did not prove a case against me. Incidentally Judge O'Brien ruled that out in the other case, which is exactly the same as this, the same witness, Cvetic.

The Court: Well, the third count is based on cartoons and papers and so forth, and I think he might have ruled out the first two, not this one. This is dependent on the exhibits. Motion refused. Exception noted.

Mr. Nelson: I move that the fourth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proven its case.

The Court: Well, that is based on exhibits and it is refused and exception noted.

Mr. Nelson: I move that the fifth charge in the indict-
[fol. 1754] ment be dismissed because it does not state a crime against me; it's unconstitutional; and the Commonwealth has not proved a case against me.

The Court: That is based on paragraph H of the Act relating to your participation in an organization or a group that might be considered seditious; motion refused. Exception noted.

Mr. Nelson: Which point in the Act did you say?

The Court: Paragraph H. The last section under the Act: "Organizing or helping to organize or becoming a member of any assembly, society or group, where any of the policies or purposes thereof are seditious as hereinbefore defined."

Mr. Nelson: Naturally my whole case is that this is not true and my organization does not stand for or advocate sedition.

[fol. 1755] The Court: That is understood, your position on it.

Mr. Nelson: I move that the sixth charge in the indictment be dismissed because it does not state a crime against

me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the seventh charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the eighth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

[fol. 1756] The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the ninth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Well, the only testimony on that would be the general testimony that "violence and force was intended and it might cause harm to public officers."

Mr. Nelson: Where, your Honor, where is an officer mentioned? Where was anybody personally mentioned? What bodily harm was being done to anybody or contemplated? Did anybody testify to that?

The Court: Not except in a general way, that if the pamphlets and books and so forth were seditious or your intentions were seditious, or the organization's intentions were seditious by the use of harm or force or violence, that there might be personal harm done. There is no [fol. 1757] specific charge that any efforts were directed to any particular officer, either of the State of Pennsylvania or the United States, that is true. What do you say to this, Mr. Cercone?

Mr. Cercone: I think the general structure of the Commonwealth's case substantiates the intention there that if that Party does advocate the overthrow of the Government by force and violence and that would necessarily involve harm to persons and officials of the Government.

The Court: Well, I will overrule the motion and grant an exception.

Mr. Nelson: You mean that remains in the indictment also?

The Court: That will remain also.

Mr. Nelson: I move that the tenth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

[fol. 1758] The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the 11th charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the 12th charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Well, there you come to a couple of exhibits mentioned in there, a couple of seditious publications mentioned that weren't read from or offered in evidence, as I recall, and there are some of those——

Mr. Nelson: That is a separate point which I wish to raise.

[fol. 1759] The Court (Continuing): —and certain excerpts which were not read that you set forth in the 12th count. Well, if that is in a separate point we will overrule the general motion on it and hear you on the specific lack of evidence on the support of it.

Mr. Nelson: Well, this count has to do with books, writing the books and the interpretations of the books and the evidence that was brought in was brought in here by paid agents of this prosecution and people who were not qualified and able and do not understand the meaning of these books and they were permitted to testify, so I move that that count be stricken, your Honor, on those grounds.

The Court: Well, I think the jury was informed or will be informed again that the interpretations placed on those by the various witnesses were their own opinions and interpretations, and the jury will have to make up its mind [fol. 1760] after hearing other interpretations, which you will probably give to them in your defense so I can't

strike the entire count out because the evidence is there and the interpretations given.

Mr. Nelson: Well, in that case, I move that the two pamphlets mentioned here, which were not submitted as evidence by the prosecution—one called "The Communist Party in Action" and "Stalin's Speeches"—be stricken from the indictment as they were not submitted.

The Court: That will be done. There is no evidence, as I recall, on those two publications.

Mr. Cercone: No, your Honor.

The Court: Likewise I think there are some excerpts that were not read to the jury which probably come from those two publications.

Mr. Nelson: Some do and I imagine once the books are [fol. 1761] stricken that you will——

The Court: That will strike them, but you better tell which ones they are.

Mr. Nelson: I will tell you that when we come to it.

The Court: So I may not be confused.

Mr. Nelson: On Page 12—I don't know whether you have the same copy—but on Page 12, the very first long paragraph, "By joining the Party"—and so forth.

The Court: I think I have that.

Mr. Nelson: And the whole paragraph where the sentence starts, "Marx and Engels"—that is from the "The Communist Party in Action" pamphlet that I referred to and it has not been introduced.

Mr. Cercone: That is up here (indicating).

Mr. Nelson: I move that that be stricken.

[fol. 1762] The Court: Your motion will be granted on that unless the District Attorney questions that.

Mr. Cercone: No, that was stricken last time too.

The Court: All right. Anything else? Any more excerpts, Mr. Nelson?

Mr. Nelson: Just one more section. I can't locate it right now but it would be from the other pamphlet mentioned which was not introduced, "Stalin's Speeches."

The Court: Well, you can check and advise me.

Mr. Nelson: All right, I will do that.

The Court: You had some sections marked in red?

Mr. Nelson: I will locate them later.

Well, I believe on the first point and it is repeated all the way through and done deliberately to prejudice the jury [fol. 1763] in regards to so-called use of names.

No evidence was given here by any witness that there was any such thing done and evil intended in connection with the so-called aliases. "Hugo," I never heard that name before and I move that the aliases be stricken and not be used before the jury as a pr[illegible]icial term which is calculated to inflame them and infer [illegible]me kind of mystery and secret activity on my part in order to deliver a conviction against me by such use of inflammatory material.

The Court: At this stage of the proceeding I am granting your motion and we will instruct and describe you as "Steve Nelson." I heard no evidence as to aliases unless something develops in the defense of the matter.

Mr. Nelson: I have a few more motions, your Honor. Incidentally, your Honor, I want to point out that I don't know what basis you ruled on these motions. I know that in the [fol. 1764] other trial three counts were left in there. I can't vouch exactly which they are—the first, fifth and twelfth remains there. That I'm not sure because I don't have it but it could be verified easily and I think your ruling automatically to make them all remain in the indictment indicates a lack of consideration for the so-called frame-up evidence that was brought in here, you permitting this stuff to go into the record, I think only indicates the basis on your part——

The Court: I studied every one of these and I agree some of them overlapped but in reviewing all of the evidence I have come to the conclusion that if the evidence is believed, that there is sufficient to support the counts as they are stated variously in the indictment. I grant you there is no direct evidence on the one concerning the damage or injury to property or the person of public officials and that on an indirect inference to be drawn from the other matters but I assure you it isn't from lack of consideration. I have given [fol. 1765] the matter considerable study and I feel, if the evidence is believed, and that is for the jury to say, that they could return a verdict of guilty on any one of the counts as alleged. Of course, whether they believe it or whether they accept the opinion of——

Mr. Nelson: That is giving the jury an awful lot of latitude in the situation. With this mass hysteria I thought the Court at least would grant permission on some of these obviously unsubstantiated—all unsubstantiated but even these stool-pigeons couldn't prove or couldn't bring in evidence—where, at what time did we threaten anybody? Under what circumstances? Where was any harm done any public building, any such thing as that other than the criticizing them and your Honor's ruling indicates an impossibility to have a fair trial under the circumstances and the thing is going to be given to the jury in such a way as they [fol. 1766] will not be able to untangle the mess even if they should be able to raise themselves above this hysteria and listen to my side of the case and weigh it as they should so I can't understand your reason for your ruling, your Honor; not so mechanically anyway.

MOTION FOR MISTRIAL AND DENIAL THEREOF

I have one more motion. I move for a mistrial because the prosecutor made highly prejudicial statements against me in his opening, and which statements were not proven. He talked about sabotage; he talked about killing off people; he talked about infiltration and such things as that and it was permitted to go to the jury and I move now that the Court order a mis-trial on the basis of those statements which the Court well remembers, that was so prejudicial that you had to agree with me at that time that they were completely out of order, and I move for a mistrial on those grounds.

The Court: Well, they were refused at that time, Mr. Nelson, and we will stand on the ruling. The motion is refused. Exception noted.

[fol. 1767] Mr. Nelson: I move for a mistrial because the Court is prejudiced against me and cannot and did not give me a fair trial, as evidenced by Cvetic's testimony and the statement by the Court that he is a member of the ABC from which Cvetic received the money to try to frame me. The Court is a member of that Organization and under no circumstances can any fair-minded person believe a Court or a Judge in that situation can give me a fair trial. So, I move for a mistrial on the basis of the fact that the Court

stayed in the case, did not disqualify himself and permitted all this prejudicial stuff to pile up against me in order to convict me of a crime which was not committed.

The Court: Well, we have ruled on my prejudice before and we will stand on that ruling. The motion is refused. Exception noted.

Mr. Nelson: I move for a mistrial on the basis of how the prejudicial testimony which was permitted and there was no connection proven with me and that is in the record.

[fol. 1768] The Court: I think there is sufficient if the jury believes it. The motion is refused. Exception noted.

Mr. Nelson: I move for a mistrial because the press, radio and other means of communication in this community have created such a feeling and sentiment of community prejudice against me and, therefore, must have necessarily affected the jurors, so that it is impossible for me to secure a fair trial.

The Court: The motion is refused. Exception noted.

Mr. Nelson: I think that is all, but I wish I would like to have about five minutes.

The Court: All right. We will take a recess before calling the jury down.

Recess.

The Court: We will recess until 1:00 P.M.

[fol. 1769] Wednesday, January 16, 1951.

Mr. Nelson: May we approach the bench, your Honor?

The Court: Come forward, gentlemen.

(Side bar.)

COLLOQUY BETWEEN COURT AND COUNSEL.

Mr. Nelson: Your Honor, I want to call your attention to that section that I couldn't find the other day, that was to be stricken. It's on Page 8, your Honor.

The Court: Wait until I get the original indictment.

Mr. Nelson: That section dealing with- or rather being quoted from "C. P. and Action" which was not introduced into evidence. It's on Page 8, on the bottom, and it starts here: "You have joined —" That is all from that pamphlet.

The Court: Do you agree to that?

[fol. 1770] Mr. Nelson: I found the one on Page 12 the other day and I didn't locate the other until later.

Mr. Cercone: Until I check that, your Honor——

The Court: All right, you check that page, Page 8 beginning with "You have joined——" down to where, Mr. Nelson?

Mr. Nelson: Down to the bottom of the page.

The Court: You will confirm that?

Mr. Cercone: Yes.

Mr. Nelson: Now, I would like to have permission, your Honor, to have the privilege of looking over some of the material that is in the possession of the D. A. which I will need in my defense. Well, the books are pretty well known and you can get copies of those but there are materials there, like leaflets and pamphlets of local character that I don't have any copies of.

[fol. 1771] The Court: Do you know just what particular ones you want to refer to?

Mr. Nelson: It's hard to say what's in there now; there is a whole file. I might want a few pieces.

The Court: Everything is in evidence and you——

Mr. Nelson: I don't mean that. I want to introduce——

The Court: It's in evidence——

Mr. Nelson: You don't understand. It's the material that the D. A. has, other than that, that was introduced into evidence.

The Court: All right.

Mr. Cercone: I don't know what he means. He will have to submit the things first.

Mr. Nelson: You have taken possession of materials materials that are vital to my defense and you have natu-
[fol. 1772] rally not introduced those things that you couldn't twist around.

The Court: There was an inventory made at the last trial of everything that was taken there.

Mr. Cercone: I think you have it.

The Court: Is there a copy of the inventory available?

Mr. Cercone: He has it.

The Court: Do you have a copy now?

Mr. Cercone: Not here.

The Court: Anything taken from the headquarters should be available to him, certainly.

Mr. Nelson: It may be a tedious job or a prolonged thing.

but I am not raising it because of that. There is a manuscript, for example, written by myself.

[fol. 1773] Mr. Cercone: We will show the inventory.

The Court: Show him the inventory and if there is anything on it that he wants, he has a right to have the material and that is probably still in the office of the Custodian of property of the County.

Mr. Nelson: I just want to make a point. In there is reference to a manuscript, written by myself, which is in a rough form in their possession and I don't have a copy of it.

Mr. Cercone: I never saw it.

Mr. Nelson: It is in the inventory.

The Court: Anything in this inventory he should have access to them for his defense.

Mr. Nelson: Pamphlets and leaflets which show what I did do in the course of this time.

The Court: You are entitled to it.

[fol. 1774] Mr. Cercone: Now that we have touched on that, your Honor, we will—of course you can't make a ruling until he tries to introduce the stuff and the only thing he should be able to introduce is to controvert what we introduced, showing "force and violence" and not what his "negro program" is.

Mr. Nelson: You are not going to organize my defense.

The Court: Anything that is in the inventory is available to you for your defense and we will rule on them when they are introduced. Offhand I don't think I am going to limit him to just what would controvert the Commonwealth's evidence. He has a right to show the complete picture and——

Mr. Cercone: We weren't able to do that. We were stopped on several things. We were stopped when we wanted to go into the various "front" organizations.

The Court: Well, the various "front" organizations out-

[fol. 1775] side of the office. I am talking about what was taken from his office, what business was conducted there.

Mr. Nelson: I think your Honor made a remark, during Mr. Cercone's opening, that you wanted to bring out what was done in the course of the two years. I think you stressed the "activity" and I can't show it any other way.

The Court: Anything that was done in that office, good

or bad, I am going to permit and you will be provided with the inventory and provided with anything you want from there.

Mr. Nelson: I show your Honor a full page ad in the Pittsburgh Press dealing with obviously another Cvetic in another place. It is just another way of helping prejudice the public opinion here and having an effect on the jury. I think this individual testified at a trial and references are made to a conviction and so forth and is glamorized as a hero. On this kind of an atmosphere it's very hard [fol. 1776] to have a jury that is not poisoned by the attacks against the Communist Party.

The Court: You are moving for a mistrial and withdrawal of a juror on account of the publication in the Pittsburgh Press appearing Monday, January 14, 1952 advertising a serial that is starting next Sunday in the Pittsburgh Press entitled "I Led Three Lives" by referring to an individual by the name of Herbert Philbrick.

Mr. Nelson: Yes, your Honor.

The Court: Your motion is refused and exception noted.

(End of side bar)

The Court: You may now outline your defense to the jury, Mr. Nelson, if you wish.

Mr. Nelson: Yes, your Honor.

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STATEMENT BY MR. NELSON

Ladies and gentlemen of the jury, I am going to outline to you this morning the nature of my defense and I will [fol. 1777] do the best job that I can as a layman. I haven't got an attorney in the case and I will try to show you what I did do and what I did not do in the course of my defense.

You know that I am defending myself in this case, as I contend, against a frame-up rigged by this prosecution, aimed at sending me off to prison for twenty years and yet all that I have done in the course of the time that this prosecution claims I committed a crime, I have done the very same things for over twenty years openly and above

board in the United States. Everything was done known to the authorities. What I have done, it was known to the people of this Nation or where I was active since I was active in areas of various parts of the country, but for the most part the Eastern part of Pennsylvania and the Anthracite and generally throughout the State of Pennsylvania.

I am defending myself against these false charges and I am defending my Party, which I contend is a part of the working-class even though the majority doesn't believe that at the present time, and I am defending my life's work, all that I have done in the past.

I am going to show you, ladies and gentlemen, that this indictment brought here by the prosecution, is a monstrosity and a fraud, that in a democratic atmosphere could never be brought into a court. I am going to show this indictment to be a falsehood, a monstrous falsehood, con- [fol. 1778] cocted by vicious men who have another purpose in mind. This indictment is based on the Nazi-type of idea of how to handle ideas of the other fellows. If you don't like his ideas, put him in jail because you got the means to put him in jail. That is what is behind the prosecution, their mentality. Even this indictment, which has twelve counts, hasn't got one single iota of evidence and the prosecution's witnesses have not brought in one point where an overt act is cited; where something is said about my doing this to this or that individual or this or that state official or any overt act whatever. Not one item is mentioned even in this indictment. Not one item. Naturally there is no "X" that marks the spot where the crime was committed because there was no crime committed.

Now, I am going to show you that the reasons behind the prosecution of myself and other Communists of my Communist Party had been concocted by a group of men here in Pittsburgh around an organization known as the A.B.C. (that A.B.C. stands for Americans Battling Communism). You know Hitler had his A.B.C. too and he operated the A.B.C. on a world scale, battling Communism, and a lot of people went along with the Hitler idea and you know what happened. We went to war and when millions of people——

Mr. Cercone: Just a minute. We don't want to inter-
[fol. 1779]- rupt, but we want to only restrict him to what he intends to prove and not his argument at this time.

The Court: He is outlining what he is going to show, that this is a fabrication of some sort concocted by an organization of the A.B.C. Proceed, Mr. Nelson.

Mr. Nelson: It's a strange thing for the prosecutor to do that here. He got up in this very courtroom and called me a spy. Did he prove anything like that? Did he apologize?

The Court: You interrupted him in his opening and he interrupted you and I will rule on it when there is an interruption, as I did in your case. Proceed, Mr. Nelson.

Mr. Nelson: Thank you.

This A.B.C. organization was organized by a Judge of this—or rather a Judge of the Superior Court, Blair F. Gunther. He was the man who was active in the Slav Congress, with which I was associated at one time in a way. He left the Slav Congress because the Slav Congress introduced President Roosevelt or supported him for the [fol. 1780] third term and he didn't want to support Roosevelt and he turned Republican and he organized this A.B.C. in the City of Pittsburgh.

A lawyer by the name of Harry Sherman who was getting, as you recall already from the evidence, 30% from all the deals that they made on Cvetic's infamous enterprise. This Judge and Cvetic, and there were others who were interested in that Organization and who were getting a cut from this pie, this dirty pie that was cooked up by Cvetic and Gunther and others who were active in this Organization. Others were getting a cut there, as you saw already, a writer of the Press and of The Saturday Evening Post. The one on the Sun-Tele was getting a cut from these activities of Cvetic and this was their immediate reason for wanting to prosecute me, because it was popular to holler against Communism at that time and that they were able to cash in on it. This was the reason why these individuals pressed it. As a result, Gunther got elected to the Superior Court. As a result another individual, a key witness in this case, Musmanno, used it to advance himself in the course of his election campaign, first for lieutenant governor and then for the Supreme Court. You already

heard what happened—or what extent he used this issue, including invading my home in Philadelphia. A candidate for the Supreme Court, can you imagine a thing like that? You could see it was obvious that he was looking for headlines, cheap headlines. He didn't have to pay for the [fol. 1781] publicity in his campaign, it came gratuitous. That is why he used it.

I will show that a prosecutor in the case, Lewis, aligned himself with Musmanno and this group for the same reason; he got a judgeship out of it. I will show that Rahauser, the District Attorney in the case in this County, used the case for the very same purposes although, ladies and gentlemen, when he was first asked whether or not he would prosecute Communists in this County he said, "There was no ground on which to arrest Communists under the Sedition Act unless," he said, "an overt act was committed." Well, there was nothing in the indictment that would indicate an overt act but I was arrested, ladies and gentlemen, and Rahauser is a Judge now. So is Lewis and so is Musmanno and so is Gunther. As to what Mr. Cercone expects to get out of it—well, I'll let you make up your minds.

But these fellows in the A.B.C. and these judges who have abused justice, misused it, were not the main culprits or the only culprits. They have taken advantage of an atmosphere which existed in our County, which is polluted by what the big corporations are doing at the present time: the big Mellons and the Morgans, the boys of the Duquesne Club who are the real bosses in this County, whom you know, who run the politics of this County; who run everything in this County, the whole life in this area. They are [fol. 1782] the real ones. They want war. They make a profit out of making ammunition and if you get up and criticize their war plans, in jail you go. That is exactly what they are doing now. I don't have to tell you and I will show you in the course of my defense that it's these ammunition-makers that are making a tremendous amount of war profits out of myself and the rest of the people, and they don't want the people to hear that; they don't want the people to know that. We could have done without this war and we could have done without the big taxes

that have been imposed on us as a result of this needless war. They don't want to have this criticism brought out in public and I didn't hesitate to criticize them and my Communist friends didn't hesitate to criticize them. We didn't hesitate to say that this was wrong, morally wrong in every way, wrong against the people and this country of theirs, our nation, not against somebody else. That is bad enough. I don't think it's right to invade anybody else's home and kill his children just because you are more powerful. You can't justify that on any basis. My conscience can't square that with everything I learned about decency.

I will show that these very corporations are owned by about sixty families in this country and these sixty families own and control 250 corporations. Ladies and gentlemen, they own nearly 70% of the wealth of this country; 70% of the wealth by sixty families.

[fol. 1783] I will show that when I criticize what they do it is not criticism of our country; no, it is criticism of the misuse of our country for the benefit of the few. That is what I am criticizing. When we call these people "monopolists" the prosecution jumps up and says, or their stoolpigeons, Cvetic and Crouch, "When we say 'monopolists' you now mean the country, you mean the people, you mean the United States." No, sir, I will show what I mean by that is the small clique that has a tremendous amount of power. Ladies and gentlemen, there are very few of you in this box as jurors who are not one way or another in the hands of these big corporations. You either work for them or your lives are dependent on them, whether you work of U. S. Steel, whether you work for the traction company, whether you work for Duquesne Light, whether you work for any of these major companies here, you are working either for the Mellons or the Morgans. That is what you are doing. These are the boys we refer to as "monopolists", who run the country at the present time because they own the newspapers and the radio; they run everything practically. Surely not in the open, but behind a mask. They got a nice mask behind which they hide and they want you and I to believe what they are doing is right.

I will show your Honor and you ladies and gentlemen that we refer to these people as "economic royalists". [fol. 1784] Incidentally, a term used by President Roosevelt though not only Communists are conscious of the fact that the "monopolists" run the country. I will show you that Woodrow Wilson stated that the big monopolists run the government lock, stock and barrel, and he was president of the United States. Of course he said that while he was a Professor in Princeton University. And the prosecution wants to say that I coined the words or the Communists coined the word that when we mean "imperialists" that we mean the American people. I will expose this fakery through my witnesses and through my defense and incidentally I will show that because President Roosevelt, of all the presidents since Lincoln, put certain obstacles in the way of these big fellows who wanted to take away everything that this nation possesses and use the natural resources for themselves and they cared nothing about the people who starved because they had no jobs and he wanted to put a little limitation to this on them and what did they call him? They called him a "Red" and a friend of the Communists. Mrs. Roosevelt is still being labeled "Red" every day by Pegler and if you read his column, and I do hope you read him on occasion, you will find that she is still being called a "Red" because President Roosevelt moved in the direction of at least limiting these corporations to some extent. What did he get for it? The papers were aginst him, the newspapers were against him and they were against [fol. 1785] the program that he wanted to advance in this period when he was president, all because he wanted to limit their exploitations of the nation. Well, naturally, why couldn't they go a little further with me and outline what my aims are and these corporations have good reason to want to shut me up.

Ladies and gentlemen, I am going to show you that the Truman Administration has departed from the Roosevelt Program. In fact, ladies and gentlemen, Hoover couldn't get to Washington for a period of twelve years but 34 days after Roosevelt died he was in there with

Truman, having a conference, and the oldtimers know what we mean when we say "Hoover and the depression." Since that time the Truman Administration had embarked on a war program, away from the program of peace, and because we Communists opposed that program they decided to do with us what Hitler did. The Communists were the first in Germany to have been thrown in jail because they opposed these programs; because they didn't want to go to war. There was no sense going after the other nations and attacking them and denying their rights; breaking into Austria, Czecho-Slovakia, Poland and other places, yet the first ones who opposed this program was the Communists. Ladies and gentlemen, those Communists were thrown into jail like they are trying to throw me into jail. They even concocted a conspiracy—perhaps the older ones of you remember that they burned down [fol. 1786] their own parliament known as the Reichstag; like one would burn down the Federal House of Congress in Washington, D. C. in order to frame the Communists. To say that, "Look at these rascals, we got to get rid of them." They even go so far as to burn down the public buildings. The Communists were framed and so went to jail and the German people believed all this stuff that Hitler was handing out and I think you know what it cost them. Millions of their own were killed and twenty-five million human beings in the world were wiped out and the only ones that can stand up proudly now in Germany and say, "We had no part of that," were the Communists. The Chairman of the Communist Party of Germany, Thalman, a longshoreman from Hamburg, was killed by Hitler because he opposed the program of war. I am sure that when our army got into Germany later they would have been glad to have found many more German Communists working to overthrow Hitler but they couldn't find many because Hitler had done a thorough job. Many of them were burned in the gas chambers along with the Jews and other people that Hitler eliminated during that war.

So, ladies and gentlemen, bear that parallel in mind. I will show that the pattern is being laid here which is not much different than the pattern of Hitler. The diff-

erence is that we still have certain rights here, certain limited rights but these rights are being taken away fast. This trial is one step to do away with those rights, if the [fol. 1787] prosecution has its way. At the Reichstag trials they had their Cvetics. True there was a fellow by the name of Vandelube who joined the Communist Party and who appeared in the trial and who said all the things that the prosecution wanted him to say; exactly like Mr. Cercone was asking Cvetic and he just jumped through a hoop every time. This man's name was Vanderlube who turned out to be a half-insane Dutchman who lived in Germany. He was so bad—they didn't know what to do when he got so nervous and you know what they had to do with him?. They had to execute him too.

Mr. Cercone: Just a minute.

The Court: This is a comparison the defendant is making with one of the Commonwealth's witnesses, Cvetic. We are not going to include other trials and we are not going to include any personalities. I told both sides that in the possibility of comparisons being made. We will permit the defendant to proceed and we will rule on any overindulgence in reference to persons and situations and so forth, but we will do so at the time.

[fol. 1788] Mr. Nelson: Your Honor, ladies and gentlemen, the defense is going to show that this is a "thought control" trial where certain people are going to pass judgment on what books are to be read and what books are not to be read. This is the first time in history that that kind of a thing is beginning to occur. Now, what is "thought control"? What does it mean? I will show you that it means you can't read what you want, you can't listen to whom you want, you can't say what you want. Well, if you can't do that, then you can't choose who you are going to elect and then your right to vote amounts to nothing. It's going to judge votes like in Nazi Germany where the Hitler party named the ticket and you had to go in there and vote one way; that was it. That's what it's going to be, if we have no right to discuss and debate issues, social and political issues, and let the sixty families that run the country through the newspapers and radio

and through control of both major parties, control the life of the country, then we are a bunch of "yes" men at their mercy. They will decide everything in our democracy, that our nation has fought for and that we are proud of for so many years, is going gradually and gradually away from what it used to be and if the democracy is limited on the question of books, what books to read, then, ladies and gentlemen, many of the other things are going to be decided by these people that you don't like and if you object, you will be called a "seditionist". Anyone will be called a "seditionist".

[fol. 1789] These very books that are on trial here, some of them are over a hundred years old. Some of these books like the "Manifesto" has gone through at least a thousand editions all over the world. There isn't a country in the world where this book isn't circulated. About the only place where these books were illegal, where they had to be read at night, where the police couldn't locate them, or the agents of the government was in Nazi Germany and in Fascist Italy and Imperialist Japan and in like a few more Fascist countries like Franco. In all other countries it is taken for granted that you have a right to read and this is the first time in the history of this country where the Judges in the Court are going to decide or are asked to decide and the jurors are asked to decide what you learnt or what you believe in as a result of reading those books. This is the first time somebody is going to crawl into your minds and see, "What did Nelson get out of reading that book? What did the Communists get out of reading that book?"

The Court: I will have to interrupt you in this instance, Mr. Nelson, because this is not the first time for a trial involving the Communist "Manifesto" and other books, other similar books, and I will have to correct you.

[fol. 1790] Mr. Nelson: I am saying in Allegheny County it is practically the first time.

The Court: Outside of the previous trial you were engaged in, that is possibly correct, but it is not the first time the matter has been before the Courts.

Mr. Nelson: So, ladies and gentlemen, I am going to show that this is a "thought control" trial in the Twentieth Cen-

tury and that the people in the future will be ashamed to look down if this stigma continues or this type of thing continues. I am going to show you this vicious indictment and I will take it point by point, ladies and gentlemen. There are thirty points in this indictment, thirty quotes in this indictment, and necessarily I will have to show you how the prosecution used those quotations; how they distorted them. I will show you instances where they started off not at the beginning of a sentence and where they didn't end at the end of a sentence. They stopped, they picked out the words that they wanted by themselves; without their meaning, all around what they mean, and the whole setting, and they put it in there only figuring that the jurors or whoever [fol. 1791] is going to be asked to pass upon it is not familiar with these books and all they had to do is to look at who is the prosecutor, Judge of the Supreme Court, look who is the prosecutor down here, another Judge, and look who is behind it and ipso facto the people are not going to pay attention to the distortions they thought about. They are going to listen to who is behind it and who is going, on the basis of that, to take away my life; that is what they hope to do.

Ladies and gentlemen, I am going to show you that the Communist Party is over thirty-three years old and that it was not a foreign importation as the prosecution contends. In fact, ladies and gentlemen, not many realize that there were people in this country, great people, who fought for socialism, what I fight for, as far back as our Civil War; before there ever was Lenin or Soviet Russia. When the Czar ruled over there, there were people in this country, great people, who believed in some type of socialism instead of having these big corporations run and squeeze the wealth and juice out of them; to run it for the people. There were people like that in this country. The earliest ones were active with the abolitionists, Wendell Philips, he believed in Socialism. I am going to show you that even Brisbane was a sort of Utopian Socialist. The older ones among you recall Arthur Brisbane, the commentator-writer. His father organized the Socialist Colonies in this country and [fol. 1792] their books, like great men like Edward Bellamy captured the imagination of this country back about forty

years ago. What was the essence of that book? I will show you that it was the very thing I am advocating, Socialism.

Up in St. Clair, Jack London wrote scores of books on this question and you know that Jack London is one of your great writers in this nation. He has been shoved in the background now by a bunch of junk that is coming out from the various publishers. He has been shoved in the background but, ladies and gentlemen, these men thought in terms of Socialism for this nation; they thought it was wrong that the wealth of this nation should be robbed by the few. Nature didn't put it there for them to use it. Those who believed that the Almighty God put coal into the ground, put it there for the Pittsburgh Coal Company. Did He? I say, "No," ladies and gentlemen, and I will show you that these riches are to be used by the people, not by these corporations. That was the thing these people were talking about that I mentioned. Theodore Dreiser, unquestionably you know about him, but before he died he joined the Communist Party of the United States, the very Party I am a member of for the very reason I am a member of that Party, because I want to see Socialism in this country.

In the Civil War, Karl Marx, that terrible man whom Mr. Cercone, Musmanno, Cvetic and Crouch are trying to bring [to] up here on trial—Do you know what he did during the Civil War? Well, I will show you that there were three individuals who were friends of Karl Marx, who fought in the Civil War to do away with slavery, who were Communists at that time, members of the Communist League that was organized by Karl Marx when this "Manifesto" was read to them and adopted in 1848. One of them was a general and one of them became one of the friends of Marx, a liberal, who was a member of the cabinet, Mr. Lincoln's cabinet, Carl Shorl. Weidemeyer, who was a General in the Civil War, he was a friend of Karl Marx, and these people are trying to tell you that somebody brought this stuff in from Russia; that I brought it back or somebody else brought it back, or we got orders from Russia to bring it here.

Ladies and gentlemen, Socialism is the next stage in our life all over the world and it grows out of a natural soil; out of natural conditions that exist in every country. I will

show you and as I mentioned, Karl Marx, the man whose books they want to burn now in Pittsburgh, was the one who organized support for Lincoln and he stated that, "The fate of humanity is now being represented by the stars and stripes." That is what he said during the Civil War. He organized European workers when the British were trying to help the slaveowners. He organized the British, German and French workers to oppose intervention on the side of [fol. 1794] slavery.

As for the actual organization of Communism, it was organized in 1919. I will show you, ladies and gentlemen, that the key men in the Organization of the Communist Party were William Z. Foster and Charles E. Ruthenberg, both Americans, and who have given at least fifty years of their lives to organizing labor in this country. In fact, Foster was the first to come to Pittsburgh in 1919 to brave the coal and iron police in this area, where everything around here, including the Courts, were in the hands of the corporations; towns and burgesses and police chiefs were picked by the steel companies in Homestead, Duquesne, Aliquippa and so forth, and shortly after that I had experienced it myself when I didn't know that the world was round, as far as that goes, when I worked in Aliquippa for the J. & L. Steel Company. I know what the conditions were here. Foster came here to organize the steelworkers for the American Federation of Labor and this man's strike was crushed by murder and an injunction. 21 workers were killed in the strike, in the AFL strike, and these people talk about force and violence, I practice force and violence: They got a nerve to say that, where every one of their acts in the past, where they can get away with it, was: How can I get more blood out of these workers? That's their game in organizing a union, so that they may work shorter hours. How can we stop that? Arrest the leaders. That was the [fol. 1795] scheme. They even murdered women organizers in the strike. They chased the police out of these towns, like Braddock, Homestead and Duquesne. I will show you that. And who was it that organized that? As I told you, I will show you again that the Communist Party, the very first thing that it did when it was organized, it said that American labor needs union. The AFL was small, only

about two and a half million people and there were forty million industry workers, and the Communist's first plan was to organize the unorganized so that these conditions can be gotten for the workers who work in these big industries. And what were they charged with then? They were called "Reds," because they organized unions, "Communists" and "agitators."

I will show you in the course of my defense that we fought for all the immediate necessities of the American people, of things that they faced; the fight against high streetcar fares or against exorbitant rents or for the rightful citizenship of the Negro people. Wherever or whatever faced the people here we went along with those who fought for it and sometimes we went ahead of it, sometimes we went ahead.

During the depression, ladies and gentlemen, I was arrested and I was tried before a jury of twelve people. The charge against me was the same as here, force and violence for organizing the unemployed people and for insisting that [fol. 1796] our Government ought to pass an Unemployment Insurance Bill; that the taxes should be put on the rich who make plenty of money so that when a man loses a job through no fault of his own he gets unemployment insurance. Well, at that time, ladies and gentlemen, the people were able to see through that conspiracy and there was no conviction in the case; the case was thrown out because the people thought that something had to be done about unemployment and if I, as a Communist, said that there had to be an unemployment insurance bill, and I will tell you something, we were the first ones to draft an unemployment insurance bill in this country, and I had something to do with it as a young man in 1930.

And, ladies and gentlemen, in this very State, scores of times I led a delegation to the State Legislature, including the time when Musmanno was an Assemblyman down there. For what did we go down there? To overthrow the Government? We went down and we said to the State Legislature, "Pass an emergency bill of some kind to feed the unemployed until Congress acts and passes a bill." We asked, ladies and gentlemen, we said to the Assemblymen, to memorialize Congress and ask them to

pass the unemployment insurance. I was one of those delegates, being as I was Vice-President of the Workers' Alliance of the State. At that time I was active in the Anthracite. Yes, the prosecution said they were going to bring out my activities in the Anthracite. I am going [fol. 1797] to show you that they had good reason not to bring it up, ladies and gentlemen. It's an open book. Thousands of people know what I have done, even though it was over twenty years ago and I am proud of every inch of that work that I have done in the course of my life.

Then on foreign issues, I think we had, and I will show that we had a most consistent position of all parties. We stated then in the early '30's that there was a danger when Hitler came to power, that he is going to war on all the democratic nations, including the United States. At that time big politicians used to make trips to Europe and have pictures taken with the Nazi Generals, even including Randolph Hearst, he had a picture taken with Hess—your recall the name. When he came back he said, "You got to support Hitler," and many backers who wouldn't heed the American Unemployed didn't hesitate at that time to give arms to Hitler and Mussolini and we said that was wrong, and because we said that, we were called then "Foreign Agents", but you know now that history turned out to be the way we said.

Ladies and gentlemen, Mussolini, Hitler and Tojo used those very loans we made them to make guns, guns to shoot our own people down. You know that. I was active in an organization then known as the League Against War and Fascism. In fact, I was its national organization [fol. 1798] secretary at one time. I will show you what we did then. We fought against these loans to Tojo and Hitler and Mussolini and we said that the democratic countries ought to be getting together and that that was the only way to prevent Hitler from attacking other nations and we opposed the terrible things that Hitler did against the Jews in Germany; six million people slaughtered when some of our Southern Congressmen just snickered and said, "It's just good for them." They said it, like Rankin and Wood.

There was another story brought out here and I will

be proud to discuss it with the jury and tell you about that. I fought in Spain, yes, ladies and gentlemen. I will show you that I fought in Spain. I was one of three thousand Americans that volunteered to go, that went there. We didn't have to go any more than you but I felt that if democracy in Spain is overthrown by force and violence and by Mussolini and Hitler, that the next step is going to be war against our own country and three years after that war did occur against our nation and Franco, whom Mr. Musmanno and Mr. Cercone defended here lent bases to Hitler in the war against ——

Mr. Cercone: Your Honor, I move that that be stricken as we didn't support anybody.

[fol. 1799] The Court: I don't recall any testimony or any action on the part of yourself or your witnesses in regards to supporting Franco.

Mr. Nelson: The Chairman of our Party in Pittsburgh, Henry Forbes, went to the war and he was killed; the man who left the very same Bakewell Building in Pittsburgh that is now such a terrible thing, according to this prosecution, went to Italy during the war and was killed in the Anzio Beach Head. Fifteen thousand Communists went into that war during the last World War and fought in it to defend that United States against its enemies.

Ladies and gentlemen, as I have already indicated, and I will show you that we have opposed the Truman Policy not only on foreign issues, we opposed these policies on the domestic issue, which I believe to have been the great departure on the part of the Administration from the Roosevelt Program. We fought for peace. That was our central thing since the war and we want to bring about an end to this needless million dollar tax program and to bring about peace in the world and peace for our own country. We supported the various measures in this country that labor should increase its wages because prices have gone up so high and the big monopolists make a tremendous profit out of these price rises; the wages don't keep up with the rise in prices, yet the Government put a [fol. 1800] lid on wages but it doesn't put a lid on prices. We opposed that. We called for a tremendous program of housing instead of destruction in war. Our people

need homes and they could be built, we need them. We fought, of course, on all the other immediate issues that faced the people, particularly for the right of the negro people whose rights are violated every day but the most recent you have seen down in Florida where the Government does nothing about it. Why the FBI for eight years can put a little stoolpigeon in the Communist Organization in Pittsburgh, but what did they do about the Klan? Did they ever arrest the Klan members for murdering a negro person? No, sir. What did Mr. FBI, J. Edgar Hoover, do about it? Nothing. What did J. McGrath, Howard J. McGrath do about it? Nothing. He goes about arresting Communists but on these things at home they don't do a thing ladies and gentlemen, as we will show.

Then, one of the crimes last year was that I opposed the war in Korea. I'm rather amazed that in this trial Mr. Cercone and Lewis didn't make much of that. I will show why that is, ladies and gentlemen; that most of the people think it was crazy to go there and wrong. We got nothing out of it but the corporations have made plenty of cash out of the taxpayers' money. All we got over it is a hundred thousand casualties six thousand miles away. For what? To protect the interest in Wall Street and South Korea. That's what I said then and that's [fol. 1891] now what 70% of the people say, the same thing, and because I said it then I am on trial. If I had kept quiet, ladies and gentlemen, I would be like the rest of them, I would be like the German people who condoned Hitler's attack on other nations but I'm not made that way. I am not going to permit that to happen. As long as I see it's wrong I am going to say it's wrong, no matter what the consequences will be.

We opposed the program of our lining up with the Nazi Generals since the war ended. We thinks it's wrong to take these murderers and butchers and organize an army, the so-called "European Army". We financed them; the taxpayers' money goes to feed those people who committed such untold crimes against our own people, yet the Administration in Washington has found it to take all the resurrected Nazis, bring them in, work with them, and I don't want to mention too many names, we will do so

in the course of our defense, to show the biggest criminals in this Nazi Army are now "all right" to the boys in Wall Street. Well, because I refused to submit to that, is that why I should be hung?

Then again all over the world, ladies and gentlemen, since Roosevelt died, since the war ended, the Administration in power, the Truman Administration, has been surrounded by scores of men from Wall Street. Take Harriman who is he? The Wall Street Banker You think he is in this because he wants to work hard? No, he could [fol. 1802] be taking a vacation somewhere but he is in there, like the rest of them, Clay and others, to see that the Truman Administration carries out their policies. Ladies and Gentlemen, that is why they are in there and, therefore, their policy is not my policy and it's not a people's policy; it doesn't speak for the people, for the majority, it speaks for the handful of people who deal in money, who deal in war, who deal in blood; that is their business. They support every reactionary king and puppet. Can you imagine these United States, who fought to overthrow a king and monarchy and now the same puppet kings getting support from the United States? I could mention fifteen right offhand but we will do that in the course of our defense. We will show Fascists who fought against us, who destroyed unions in their own country, who destroyed religion, they get loans from Wall Street with an Okay from Washington.

Now, ladies and gentlemen, I am going to explain a lot of things to you that were brought out here by the prosecution, that were twisted around and that you couldn't possibly understand their true meaning if you believe them. For example, I am going to explain the so-called charge of "secrecy". Why Communists meet sometimes without putting a shingle on the outside and say, "A meeting of the Communist group". I will explain why that is. It is very simple, just like the unions had to do when they first organized in the plants: If the boss found out who was a union member, he was fired. Isn't that [fol. 1803] right? Well, we have to live and eat too, and the only way we can do that is work for the very same employers, and when we announce our names we are

through. We got children, we got families to support, we are human, and those are one of the reasons why we have to do it. The employers don't want us in there for that reason, although we will show you how they tried to twist that around, the prosecution does, and say, "You want to be in a steel plant because you want to blow it up," or something. Blow it up! To blow myself up with it, is that what I say? What stupidity!

We are going to expose the interpretations they put on these words and we are going to show that every important movement in this country started off illegally, had to be—not illegally, but secretively they met, put it that way. They had to keep their names out of print. What about those who helped the "underground railroad" in the Civil War? Did they announce to the slave owners, "This is the house in the North where the negroes came through the line in Maryland"? The very name "underground railroad" denotes they worked "underground". Why was it "underground"? Because there were people who would destroy them so they had to be temporarily illegal or rather not within the actual function—to function all together in the open.

I am going to expose this fakery here about orders from Moscow. You have already seen and you will see more. [fol. 1804] Mr. Cvetic, when asked the question, "Do you know whether they are getting orders?—" When he testified, "—somewhere else" —he said, "No, I do not know." But here he said something different. That is how true that thing is and I am going to expose the rest of it. "Getting orders", we make our own decisions. I am going to show you, ladies and gentlemen, that I am not a puppet for anybody. I will fight for what I believe, ladies and gentlemen, and I am going to have some say about the policy that I fight for. I don't have to be in. If I have to be against my will, I'd be out! Anybody can leave the Communist Party if they don't agree. I am in it because I believe in it with every fiber of my body and I fought for the Marxist policy in Pennsylvania, wherever I am, and at whatever level; we all do who are members of the Party. This stupidity to think that I could